

IN THE SUPREME COURT OF THE STATE OF NEVADA

PERCY LAVAE BACON,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR  
THE COUNTY OF CLARK, AND THE  
HONORABLE VALERIE ADAIR, DISTRICT  
JUDGE,

Respondents,  
and

UNITED ROAD SERVICES, INC.; QUALITY  
TOWING; AND THRIFTY RENTAL CAR,  
INC.,

Real Parties in Interest.

No. 47720

**FILED**

**OCT 23 2006**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original proper person petition for a writ of mandamus challenges a district court order granting a motion to quash.

A writ of mandamus is available to compel the performance of an act that the law requires, or to control an arbitrary or capricious exercise of discretion.<sup>1</sup> A petition for a writ of mandamus is addressed to this court's sole discretion.<sup>2</sup> And this extraordinary writ is generally available only when no plain, speedy, and adequate legal remedy exists.<sup>3</sup>

We have considered the petition and supporting documentation, and we are not satisfied that this court's intervention by

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<sup>1</sup>See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).


<sup>2</sup>See Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982).

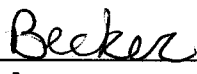
<sup>3</sup>NRS 34.170.

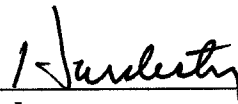
way of extraordinary relief is warranted.<sup>4</sup> Additionally, we note that on August 17, 2005, this court entered an order dismissing petitioner's appeal from the order challenged in this petition.<sup>5</sup> In our order, we noted that a district court order granting a motion to quash is not an appealable order. A final judgment resolving all of the issues in the case, however, is appealable.<sup>6</sup> Following the resolution of any pending motions, and once the district court has entered a final judgment, petitioner, if aggrieved, has an adequate legal remedy in the form of an appeal from the final judgment,<sup>7</sup> and in the context of that appeal, petitioner can then challenge the district court's order granting the motion to quash.<sup>8</sup>

Accordingly, the petition is denied.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Rose

  
\_\_\_\_\_, J.  
Becker

  
\_\_\_\_\_, J.  
Hardesty

<sup>4</sup>See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

<sup>5</sup>See Bacon v. United Road Services, Inc., Docket No. 45541 (Order Dismissing Appeal, August 17, 2005).

<sup>6</sup>See NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 996 P.2d 416 (2000).

<sup>7</sup>See NRAP 3A(a) and 3A(b)(1); Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

<sup>8</sup>See Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 971 P.2d 1251 (1998) (providing that this court on appeal from the final judgment may properly consider interlocutory orders).

cc: Hon. Valerie Adair, District Judge  
Percy Lavae Bacon  
O'Neal, Marchiondo & McGrath  
Gugino Law Firm  
Clark County Clerk