

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHINESE AMERICAN CHAMBER OF
COMMERCE OF NEVADA, A NEVADA
CORPORATION; TRAVIS LU, AN
INDIVIDUAL; AND TRAVIS LU &
ASSOCIATES, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
DAVID WALL, DISTRICT JUDGE,
Respondents,

and

SOUTHERN NEVADA CHINESE
WEEKLY, AN UNKNOWN ENTITY;
ANTHONY LU, AN INDIVIDUAL; AND
JUDY CHAN MOMAN, AN
INDIVIDUAL,
Real Parties in Interest.

No. 49526

FILED

DEC 17 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original petition for a writ of mandamus challenging a district court order that granted, in part, real parties in interests' motion for judgment on the pleadings in a defamation action.

A writ of mandamus is available to compel the performance of an act which the law requires as a duty resulting from an office, trust, or station, or to control a manifest abuse of discretion.¹ However, a writ of

¹See NRS 34.160; Mineral County v. State, Dep't of Conserv., 117 Nev. 235, 20 P.3d 800 (2001).

mandamus is an extraordinary remedy that will not issue if petitioners have a plain, speedy and adequate remedy in the ordinary course of law.² This court has consistently held that an appeal is an adequate legal remedy precluding writ relief.³ Even if the appellate process would be more costly and time consuming than a mandamus proceeding, it is still an adequate remedy.⁴ This court avoids piecemeal appellate review and seeks to review possible errors only after the district court has entered a final judgment.⁵ Further, it is within the discretion of this court to determine if a petition will be considered.⁶ Petitioners bear the burden of demonstrating that extraordinary relief is warranted.⁷

In the challenged order, the district court ruled that only eleven statements from five articles published by the real parties in interest were capable of defamatory construction as a matter of law. Petitioners assert that the remaining statements are also capable of defamatory construction, and they argue that our extraordinary intervention at this time is warranted so as to clarify the law.

²NRS 34.170; Gumm v. State, Dep't of Education, 121 Nev. 371, 375, 113 P.3d 853, 856 (2005).

³Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

⁴See Co. of Washoe v. City of Reno, 77 Nev. 152, 156, 360 P.2d 602, 603 (1961).

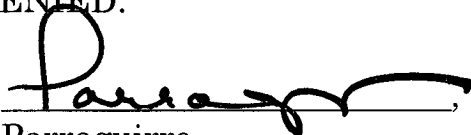
⁵Moore v. District Court, 96 Nev. 415, 417, 610 P.2d 188, 189 (1980).

⁶Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

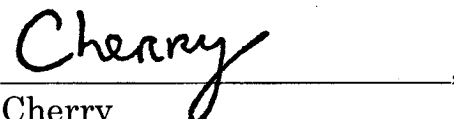
⁷Pan, 120 Nev. at 228, 88 P.3d at 844.

Having reviewed the petition and answer, we are not persuaded that writ relief is warranted. Petitioners have not met their burden to demonstrate that an appeal from any adverse final judgment is not an adequate legal remedy. Also, since our intervention will not dispose of the entire matter and the avoidance of a needless trial is not possible,⁸ we decline to intervene at this time. Accordingly, we

ORDER the petition DENIED.

 J.
Parraguirre

 J.
Douglas

 J.
Cherry

cc: Hon. David Wall, District Judge
Adams & Rocheleau, LLC
Marquis & Aurbach
Eighth District Court Clerk

⁸Moore, 96 Nev. at 417, 610 P.2d at 189.