

IN THE SUPREME COURT OF THE STATE OF NEVADA

GINA PEREZ,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK, AND THE
HONORABLE ELIZABETH GOFF
GONZALEZ, DISTRICT JUDGE,

Respondents,

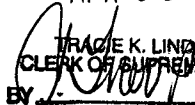
and

MELVILLE KRIEGH, INDIVIDUALLY; AND
TEJAS UNDERGROUND, LLC, A NEVADA
LIMITED LIABILITY COMPANY,
Real Parties in Interest.

No. 51326

FILED

APR 09 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF
PROHIBITION OR MANDAMUS

This original petition for a writ of prohibition or mandamus challenges a district court order granting partial summary judgment.

A writ of prohibition may be issued to compel a district court to cease performing acts beyond its legal authority.¹ We may issue a writ of mandamus to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion.² Neither mandamus nor prohibition will issue when the petitioner has a plain, speedy, and adequate remedy at

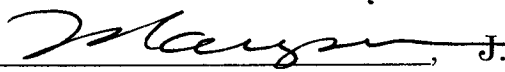
¹NRS 34.320; Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

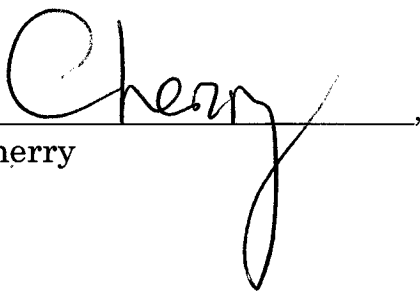
²NRS 34.160; Washoe County Dist. Attorney v. Dist. Ct., 116 Nev. 629, 5 P.3d 562 (2000).

law,³ and we have consistently held that an appeal is generally an adequate legal remedy precluding writ relief.⁴ Accordingly, we generally avoid piecemeal appellate review and seek to review possible errors only after the district court has entered a final judgment.⁵ Because writs of prohibition and mandamus are extraordinary remedies, whether a petition will be considered is entirely within our discretion.⁶ Petitioner bears the burden of demonstrating that extraordinary relief is warranted.⁷

Having reviewed the petition and its supporting documents, we are not persuaded that writ relief is warranted. Moreover, we note that petitioner may appeal any adverse final judgment or order properly certified as final under NRCP 54(b) in this case. Accordingly, we

ORDER the petition DENIED.⁸


Maupin


Cherry


Saitta

³NRS 34.170; NRS 34.330.

⁴Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

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

⁶Barnes v. District Court, 103 Nev. 679, 681, 748 P.2d 483, 485 (1987).

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

⁸In light of this order, we deny as moot petitioner's emergency motion to stay the proceedings and to vacate the trial date.

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Dempsey Roberts & Smith, Ltd.
Hall Jaffe & Clayton, LLP
Eighth District Court Clerk