

IN THE SUPREME COURT OF THE STATE OF NEVADA

COURTNEY HUNT AND REPUBLIC
SILVER STATE DISPOSAL, INC.,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
SALLY L. LOEHRER, DISTRICT
JUDGE,

Respondents,

and

RAFAEL FELICIE,

Real Party in Interest.

No. 51773

FILED

NOV 19 2008

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingraham*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges district court orders granting real party in interest's motion for partial summary judgment and denying in part petitioners' motion for reconsideration in a tort action.

Real party in interest Rafael Felicie instituted the underlying district court action against petitioners Courtney Hunt and Republic Silver State Disposal, Inc., as a result of alleged injuries Felicie purportedly sustained in a motor vehicle accident involving Hunt, Republic's driver. Felicie filed a motion for summary judgment on the issue of liability, claiming that Republic's agent, a third-party administrator, had admitted liability for the accident. Republic and Hunt opposed the motion for summary judgment.

Ultimately, the district court granted Felicie's partial summary judgment motion but concluded that the admission of liability did not preclude Republic from raising the issue of Felicie's comparative negligence at trial. The district court's order also stated that Republic had admitted that Felicie sustained injuries as a result of the motor vehicle accident. Republic and Hunt filed a motion for reconsideration, which Felicie opposed. The district court denied that motion. This writ petition followed. As directed, Felicie has filed an answer.

A writ of mandamus is available to compel the performance of an act that the law requires or to control a manifest abuse of discretion.¹ Mandamus is an extraordinary remedy, however, and the decision to entertain such a petition is addressed to our sole discretion.² The primary standard by which this court exercises its discretion is the interest of judicial economy.³ Petitions for extraordinary relief generally may only issue when there is no plain, speedy, and adequate remedy at law.⁴ As petitioners, Republic and Hunt bear the burden to demonstrate that our

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

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

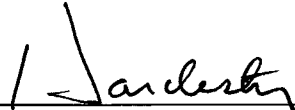
³Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997).

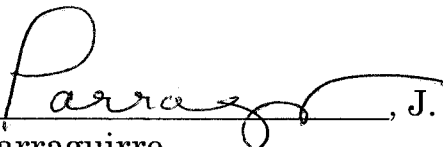
⁴Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).


extraordinary intervention is warranted.⁵ Generally, we decline to intervene in writ petitions that challenge summary judgment orders.⁶

Having considered this petition, the answer thereto, and the supporting documentation in light of the above principles, we conclude that our intervention by way of extraordinary relief is not warranted. In particular, it does not appear that the district court manifestly abused its discretion in granting partial summary judgment and denying in part petitioners' motion for reconsideration. Accordingly, we

ORDER the petition DENIED.⁷


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

⁵Id. at 228, 88 P.3d at 844.

⁶Smith, 113 Nev. at 1344, 950 P.2d at 281.

⁷We admonish real party in interest's counsel for submitting an appendix which contains 15 photographs of his client's vehicle, as it does not appear that these photographs are relevant to the legal issues presented in this writ petition. See NRAP 21(a) (providing that writ petitions shall be accompanied by any parts of the record that may be essential to understanding the matters presented in the writ petition); cf. NRAP 30(b) (stating that matters not essential to resolving an appeal "shall be omitted"). We note that, in the future, similar disregard for this court's appellate rules may result in the imposition of sanctions. NRAP 30(b) (stating that costs may be imposed for unnecessarily enlarging an appendix).

cc: Hon. Sally L. Loehrer, District Judge
McNeil, Tropp, Braun, & Kennedy
Howard Roitman & Associates
Eighth District Court Clerk