

IN THE SUPREME COURT OF THE STATE OF NEVADA

CEDCO, INC.; JAMIESON DOOR &
TRIM; AMERICAN ASPHALT &
GRADING CO.; KACCEL
COMMUNICATIONS SERVICES, INC.;
NORTHERN PIPELINE
CONSTRUCTION CO.; AND V.E.G.
ENTERPRISES, INC.,

Petitioners,

vs.

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

Respondents,

and

PACIFIC CONTRACTORS, LLC,
Real Party in Interest.

No. 51794

FILED

JUL 14 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

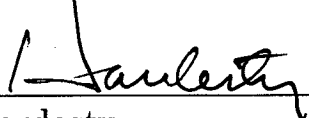
This original petition for a writ of mandamus, or in the alternative, writ of prohibition, challenges a district court order denying summary judgment in a constructional defect action.

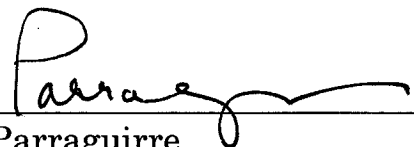
This court may issue a writ of mandamus to compel the performance of an act that the law requires as a duty resulting from an

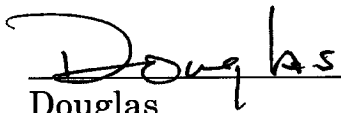
office, trust, or station,¹ or to control a manifest abuse of discretion.² A writ of prohibition is available to remedy district court acts taken without or in excess of jurisdiction.³ Neither writ will issue, however, when petitioners have a plain, speedy, and adequate remedy in the course of law, such as an appeal.⁴ Whether we will consider petitions for extraordinary relief is within our sole discretion.⁵

We have considered this petition and are not satisfied that our intervention by way of extraordinary relief is warranted at this time. Accordingly, we deny the petition.⁶

It is so ORDERED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

¹NRS 34.160; see also Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

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

³NRS 34.320; State of Nevada v. Dist. Ct. (Anzalone), 118 Nev. 140, 146-47, 42 P.3d 233, 237-38 (2002).

⁴NRS 34.170; NRS 34.330; Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2001) (recognizing that the right to appeal is generally an adequate legal remedy precluding writ relief).

⁵Smith, 107 Nev. at 677, 818 P.2d at 851.

⁶See NRAP 21(b); Smith, 107 Nev. 674, 818 P.2d 849.

cc: Hon. Susan Johnson, District Judge
Bennion Clayson & Marias
Bremer Whyte Brown & O'Meara, LLP
Canepa Riedy & Rubino
Lemons Grundy & Eisenberg
Parker, Nelson & Associates
Springel & Fink
Eighth District Court Clerk