

IN THE SUPREME COURT OF THE STATE OF NEVADA

PARKER STATION, INC., A
CALIFORNIA CORPORATION D/B/A
FESS PARKER WINERY &
VINEYARDS; AND FORTRESS
VINEYARDS, INC., A CALIFORNIA
CORPORATION,

Petitioners,

vs.

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

Respondents,

and

SOUTHERN WINE AND SPIRITS OF
AMERICA, INC., A FLORIDA
CORPORATION D/B/A SOUTHERN
WINE AND SPIRITS OF NEVADA,
Real Parties in Interest.

No. 52061

FILED

AUG 26 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 prohibition challenges a district court order granting partial summary judgment in favor of real parties in interest, and denying petitioners' countermotion for summary judgment.

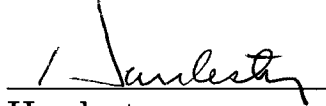
Both mandamus and prohibition are extraordinary remedies, and whether a petition for extraordinary relief will be considered is solely within our discretion.¹ Petitioners bear the burden of demonstrating that

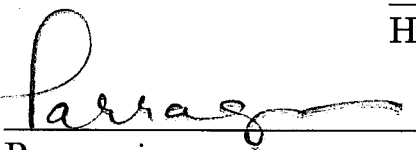
¹See Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

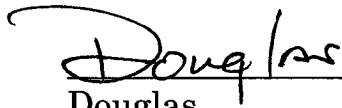
extraordinary relief is warranted.² Generally, a writ may issue only when petitioner has no plain, speedy, and adequate legal remedy,³ and this court has consistently held that an appeal is generally an adequate legal remedy precluding writ relief.⁴

Here, petitioners request that this court order the district court to vacate its order granting partial summary judgment in favor of real parties in interest and issue a new order granting summary judgment in favor of petitioners. After reviewing the petition and supporting documentation, we conclude that our intervention by way of extraordinary relief is not warranted.⁵ Trial of the underlying case appears to be imminent, thus, petitioners have an adequate and speedy legal remedy available in the form of an appeal from any adverse final judgment entered in the underlying case.⁶ Accordingly, we

ORDER the petition DENIED.⁷


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

²Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

³NRS 34.170; NRS 34.330.

⁴See Pan, 120 Nev. at 224, 88 P.3d at 841.

⁵See id. at 228, 88 P.3d at 844.

⁶See NRS 34.170; NRS 34.330; Pan, 120 Nev. at 224, 88 P.3d at 841.

⁷NRAP 21(b); Smith, 107 Nev. 674, 818 P.2d 849.

In light of this order, we deny as moot petitioners' motion for a stay.

cc: Hon. Douglas W. Herndon, District Judge
Armstrong Teasdale, LLP/Reno
Barbara Snider
Lewis & Roca, LLP/Las Vegas
Lewis & Roca, LLP/Reno
Eighth District Court Clerk