

IN THE SUPREME COURT OF THE STATE OF NEVADA

THORNTON CONCRETE PUMPING,
AN ENTITY OF UNKNOWN ORIGIN
D/B/A LAS VEGAS PUMPING
SERVICES,
Petitioner,

vs

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
JOSEPH T. BONAVENTURE,
DISTRICT JUDGE,
Respondents,
and
JESUS A. OROZCO,
Real Party in Interest.

No. 52462

FILED

OCT 29 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 denying petitioner's motion 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 Generally, a writ may issue only when petitioner has no plain, speedy, and adequate legal remedy,² and this court has consistently held that an appeal is generally an adequate legal remedy

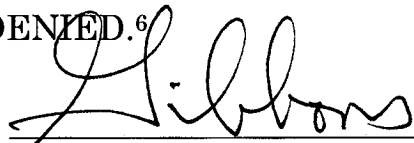
¹See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).


²NRS 34.170; NRS 34.330.


precluding writ relief.³ Petitioner bears “the burden of demonstrating that extraordinary relief is warranted.”⁴

Here, petitioner requests that this court order the district court to vacate its order denying petitioner’s motion for summary judgment and issue a new order granting summary judgment in favor of petitioner. After reviewing the petition and supporting documentation, we conclude that our intervention by way of extraordinary relief is not warranted.⁵ Accordingly, we

ORDER the petition DENIED.⁶


_____, C.J.
Gibbons


_____, J.
Cherry


_____, J.
Saitta

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

⁴Id. at 228, 88 P.3d at 844.

⁵See id.

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

cc: Chief Judge, Eighth Judicial District
Hon. Joseph T. Bonaventure, Senior Judge
Lewis & Associates, LLC
Neal & Small, L.P.
Potter Law Offices
Eighth District Court Clerk