

IN THE SUPREME COURT OF THE STATE OF NEVADA

KNIGHT TRANSPORTATION, AN
ARIZONA CORPORATION,
Petitioner,

vs.

THE FOURTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF ELKO,
AND THE HONORABLE ANDREW J.
PUCCINELLI, DISTRICT JUDGE,
Respondents,
and
DON E. KRASHOWETZ,
INDIVIDUALLY,
Real Party in Interest.

No. 52612

FILED

NOV 19 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Anderson*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying summary judgment in a tort action.

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 it is within this court's discretion to determine if such a petition will be considered.² This court generally declines to exercise its discretion to consider writ petitions

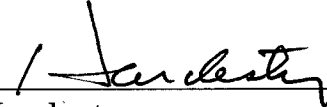
¹NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

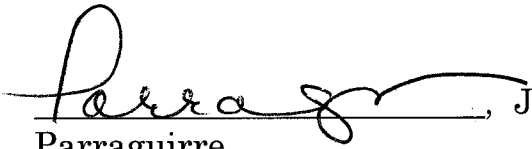
²See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

that challenge district court orders denying summary judgment motions.³ This court may do so, however, when an important issue of law requires clarification or summary judgment is clearly mandated by a statute or rule and public policy and judicial economy principles weigh in favor of considering the petition.⁴ Petitioner carries the burden of demonstrating that extraordinary relief is warranted.⁵

Having reviewed the petition and attached documentation in light of those principles, we are not satisfied that our extraordinary intervention is warranted. Accordingly, we

ORDER the petition DENIED.⁶


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

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

⁴Id.

⁵Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

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

Although petitioner failed to serve the respondent district judge with a copy of the petition for writ of mandamus as required by NRAP 21(a), because we have denied the petition, petitioner need not serve it.

cc: Hon. Andrew J. Puccinelli, District Judge
Erickson Thorpe & Swainston, Ltd.
Goicoechea, Di Grazia, Coyle & Stanton, Ltd.
Elko County Clerk