

IN THE SUPREME COURT OF THE STATE OF NEVADA

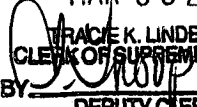
RED VISTA BUILDERS, LLC, A
NEVADA LIMITED LIABILITY
COMPANY; ALFREDO B. ROMAN, AN
INDIVIDUAL; SANDRA ROMAN, AN
INDIVIDUAL; THOMAS JURBALA, AN
INDIVIDUAL; THOMAS A. JURBALA,
AN INDIVIDUAL; MARIA A. CATELLO,
AN INDIVIDUAL; AND LINCOLN
GENERAL INSURANCE COMPANY, IN
RELATION TO CONTRACTOR'S
LICENSE BOND NUMBER 661118768,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, THE HONORABLE DOUGLAS
HERNDON, DISTRICT JUDGE, AND
THE HONORABLE MICHAEL
VILLANI, DISTRICT JUDGE,
Respondents,
and
INTERIOR SPECIALISTS, INC.,
Real Party in Interest.

No. 53240

FILED

MAR 05 2009
TRACE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges an alleged district court order granting real party in interest summary judgment on its claims against petitioners Alfredo B. Roman and Sandra Roman.¹

¹Given that the argument raised in this petition pertains only to the Romans, it is unclear why the other petitioners filed this petition. See *continued on next page . . .*

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. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981). Mandamus is an extraordinary remedy, however, and the decision to entertain such a petition is addressed to our sole discretion. See Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982). Petitions for extraordinary relief generally may only issue when there is no plain, speedy, and adequate remedy at law, and we have consistently held that an appeal is an adequate legal remedy precluding writ relief. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Further, petitioners bear the burden to demonstrate that our extraordinary intervention is warranted. Id. at 228, 88 P.3d at 844 (noting that petitioners carry the burdens of demonstrating that extraordinary relief is warranted and of complying with NRAP 21(a)'s direction to provide all documents necessary to this court's review of the matter).

Having reviewed the petition and its accompanying documentation, we are not persuaded that mandamus relief is appropriate and warranted. In particular, an appeal from the district court's final judgment constitutes an adequate legal remedy, precluding writ relief. We note that it appears from the petition that the district court has resolved all of the claims before it, except perhaps the claim concerning Lincoln General Insurance Company. Moreover, petitioners failed to

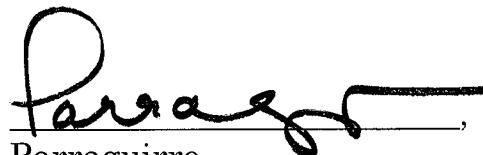
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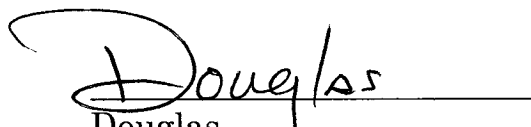
NRS 34.170 (providing that mandamus relief is available only to beneficially interested parties).

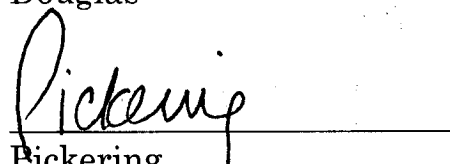
include with their petition a copy of the “written, signed, and filed” district court order memorializing the decision that petitioners are challenging. See State, Div. Child & Fam. Servs. v. Dist. Ct., 120 Nev. 445, 454, 92 P.3d 1239, 1245 (2004) (noting that district court orders dealing “with the procedural posture or merits of the underlying controversy, must be written, signed, and filed before they become effective”); NRAP 21(a) (providing that a petition for a writ of mandamus or prohibition “shall contain . . . copies of any order or opinion or parts of the record which may be essential to an understanding of the matters set forth in the petition”). Finally, petitioners failed to include with the petition an affidavit of the parties beneficially interested in writ relief, as required by NRS 34.170.

For these reasons, we conclude that our extraordinary intervention is not warranted. NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). Accordingly, we

ORDER the petition DENIED.


Parraguirre, J.


Douglas, J.


Pickering, J.

cc: Hon. Douglas W. Herndon, District Judge
Hon. Michael Villani, District Judge
Pengilly Robbins Slater
McCullough, Perez & Associates, Ltd.
Eighth District Court Clerk