

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA, EX REL. THE
BOARD OF REGENTS OF THE NEVADA
SYSTEM OF HIGHER EDUCATION ON
BEHALF OF THE UNIVERSITY OF
NEVADA LAS VEGAS,

Petitioner,

vs.

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

Respondents,

and

KELCI-JOY S. KENNEY-YONAMINE, AN
INDIVIDUAL; ERNEST BALLARD, AN
INDIVIDUAL; AND BLUE RIBBON
RELOCATION, LLC, A NEVADA LIMITED
LIABILITY COMPANY,

Real Parties in Interest.

No. 53320

FILED

MAR 05 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

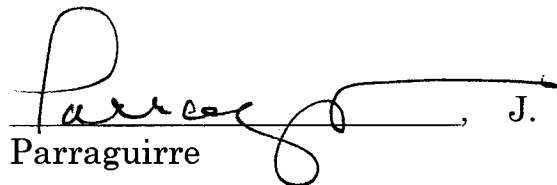
This original petition for a writ of mandamus challenges a district court order denying petitioner's summary judgment motion in a personal injury case.

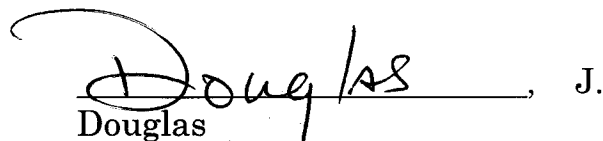
A writ of mandamus is available to compel the performance of an act that the law requires or to control a manifest abuse of discretion. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981). Mandamus is an extraordinary remedy, however, and the decision to entertain such 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. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Petitioner bears the burden to

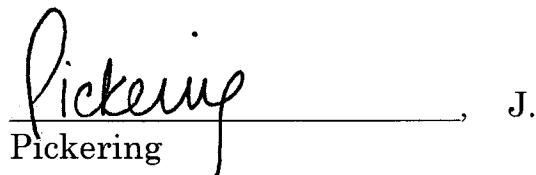
demonstrate that our extraordinary intervention is warranted. Id. at 228, 88 P.3d at 844.

In light of the general adequacy of an appeal and our extensive docket, we typically decline to exercise our discretion to consider writ petitions challenging district court orders that deny motions for summary judgment, unless “no disputed factual issues exist and, pursuant to clear authority under a statute or rule, the district court is obligated to dismiss an action.” Smith v. District Court, 113 Nev. 1343, 1345, 950 P.2d 280, 281 (1997); see also State ex rel. Dep’t Transp. v. Thompson, 99 Nev. 358, 362, 662 P.2d 1338, 1340 (1983). Having reviewed the petition and its exhibits according to this principle, we are not persuaded that extraordinary relief is warranted. NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). Accordingly, we

ORDER the petition DENIED.¹


Parraguirre, J.


Douglas, J.


Pickering, J.

¹In light of this order, we deny as moot petitioner’s motion to stay the trial.

cc: Hon. Jessie Elizabeth Walsh, District Judge
Richard C. Linstrom
Susan Carrasco O'Brien
Kajioka & Associates
Perry & Spann/Las Vegas
Eighth District Court Clerk