

IN THE SUPREME COURT OF THE STATE OF NEVADA

R.J. WELCH, LTD., A NEVADA CORPORATION; R.J. WELCH, AN INDIVIDUAL; AND STEVEN NOTARIO, AN INDIVIDUAL, Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, AND THE HONORABLE ELIZABETH GOFF GONZALEZ, DISTRICT JUDGE,

Respondents,


and

CHAD DYMON, AN INDIVIDUAL; JOHN "BUCK" LEE, AN INDIVIDUAL; DYMON INVESTMENTS, INC., A NEVADA CORPORATION; BK LAND INVESTORS, INC., A NEVADA CORPORATION; AND CYAN FIRE, LLC, A NEVADA LIMITED LIABILITY COMPANY,

Real Parties in Interest.

No. 53476

**FILED**

APR 08 2009  
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY:   
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 a motion for summary judgment.

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.

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
Lewis & Roca, LLP/Las Vegas  
Olson, Cannon, Gormley & Desruisseaux  
Eighth District Court Clerk