

IN THE SUPREME COURT OF THE STATE OF NEVADA

AFRODITI JANET ELIADES-LEDSTROM,
Petitioner,

vs.

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

Respondents,

and

ESTATE OF MICHAEL PONZIO,
DECEASED; JAMES L. PONZIO,
INDIVIDUALLY AND AS ADMINISTRATOR
OF THE ESTATE OF MICHAEL PONZIO;
DONNA H. PONZIO, INDIVIDUALLY AND
AS ADMINISTRATOR OF THE ESTATE OF
MICHAEL PONZIO; AND TRIXY C. ROCCO,
Real Parties in Interest.

No. 53735

FILED

FEB 01 2010

THOMAS K. LINDEMAN
CLERK OF SUPREME COURT
BY *Mix*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order granting partial summary judgment on the issue of liability. As directed, real parties in interest filed an answer.¹

¹The appendix filed by real parties in interest contained eleven photographs of the accident scene, including several of the deceased. Nothing in the documents before us indicates that these photographs were admitted as evidence, attached as exhibits to the motion for partial summary judgment, or otherwise considered by the district court. They were therefore not properly presented to this court. Carson Ready Mix v. First Nat'l Bk., 97 Nev. 474, 635 P.2d 276 (1981). And in light of the graphic nature of many of the photographs, we can only infer that they were intended to shock this court. We admonish counsel for real parties

continued on next page . . .

The 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 whether a petition will be considered is within our discretion. See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). Petitions for extraordinary relief may only issue when there is no plain, speedy, and adequate remedy at law, NRS 34.160, and an appeal from the final judgment is generally an adequate legal remedy precluding writ relief. 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, including the burden to provide copies of all documents necessary to an understanding of the matter. NRAP 21(a).


Having considered the petition and its attachments, as well as the answer, we are not persuaded that extraordinary relief is warranted at this time, and we therefore deny the petition. NRAP 21(b); Smith, 107 Nev. at 677, 818 P.2d at 851. In particular, petitioner failed to include in her appendix her opposition to the motion for summary judgment, and our review has been hampered by our consequent inability to review the arguments she made below. Also, she has not established that an appeal from the final judgment is an inadequate legal remedy,

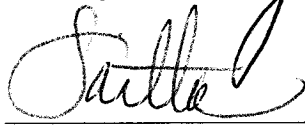
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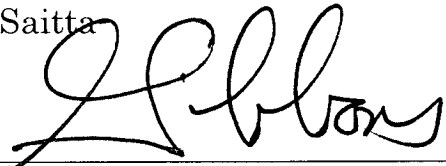
in interest and caution him that any future similar conduct will result in the imposition of sanctions.

and our review at that time will be enhanced by the more complete record then available. Accordingly, we

ORDER the petition DENIED.²


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Jackie Glass, District Judge
Chesnoff & Schonfeld
McCormick, Barstow, Sheppard, Wayte & Carruth, LLP/Las Vegas
Olson, Cannon, Gormley & Desruisseaux
Goodman Law Group
Palazzo Law Firm
Eighth District Court Clerk

²In light of this order, we vacate the stay imposed by our June 2, 2009, order.