

IN THE SUPREME COURT OF THE STATE OF NEVADA

DUSTY RHODES, AN INDIVIDUAL,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF CLARK,  
AND THE HONORABLE MARK R.  
DENTON, DISTRICT JUDGE,

Respondents,

and

DESIGNER DISTRIBUTION SERVICES,  
LLC, A NEVADA LIMITED LIABILITY  
COMPANY; AND MOVERS PAK-MAN,  
INC., A CALIFORNIA CORPORATION,  
Real Parties in Interest.

No. 54104

**FILED**

**JUL 24 2009**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS OR PROHIBITION

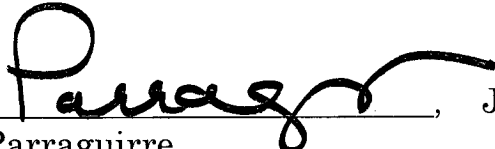
This original petition for a writ of mandamus or prohibition challenges a district court's order granting partial summary judgment in a tort action.

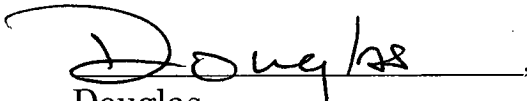
A writ of mandamus is available to compel the performance of an act that the law requires or to control a manifest abuse of discretion. NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). A writ of prohibition is available to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the district court's jurisdiction. NRS 34.320. Mandamus and prohibition are extraordinary remedies, and whether a petition will be considered is within our sole discretion. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Neither mandamus nor prohibition will issue when the petitioner has a plain, speedy, and


adequate remedy at law, NRS 34.170; NRS 34.330, and we have consistently held that an appeal is generally an adequate legal remedy precluding writ relief. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). We avoid piecemeal appellate review and seek to review possible errors only after the district court has entered a final judgment. Moore v. District Court, 96 Nev. 415, 417, 610 P.2d 188, 189 (1980).

Having reviewed the petition and its supporting documents, we are not persuaded that writ relief is warranted. Petitioner has an adequate remedy in an appeal from any adverse final judgment. Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Mark R. Denton, District Judge  
The Bach Law Firm  
Marquis & Aurbach  
Eighth District Court Clerk