

IN THE SUPREME COURT OF THE STATE OF NEVADA

BARTON A. ROWE,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK,
AND THE HONORABLE VALORIE J.
VEGA, DISTRICT JUDGE,

Respondents,

and

JOHN J. ERLANGER,
Real Party in Interest.

No. 54483

FILED

DEC 04 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 order denying petitioner's motion for summary judgment and a preliminary injunction, granting real party in interest's motion for summary judgment, and transferring the case to the justice court.

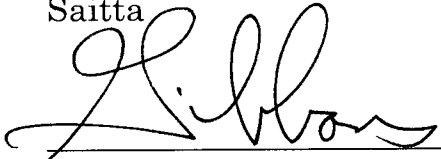
Having reviewed the petition and its supporting documentation, we are not persuaded that our intervention by way of extraordinary relief is warranted. Specifically, a writ of mandamus or prohibition may issue only when petitioner has no plain, speedy, and adequate legal remedy. NRS 34.170; NRS 34.330. Here, petitioner had an adequate legal remedy in the form of an appeal from the district court's

order.¹ See Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004); cf. NRAP 3A(b)(1) (providing for an appeal from a final judgment); NRAP 3A(b)(3) (allowing an appeal from a district court order refusing to grant an injunction). Accordingly, we

ORDER the petition DENIED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Valorie Vega, District Judge
Leavitt Sully & Rivers
Ellsworth Moody & Bennion Chtd.
Eighth District Court Clerk

¹Additionally, writ relief is not available to correct the failure to file a timely notice of appeal. See Pan v. Dist. Ct., 120 Nev. 222, 224-25, 88 P.3d 840, 841 (2004).