

IN THE SUPREME COURT OF THE STATE OF NEVADA

INTEGRATED FINANCIAL ASSOCIATES,
INC.,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF CLARK, AND

THE HONORABLE KATHLEEN E.
DELANEY, DISTRICT JUDGE,

Respondents,

and

VESTIN REALTY MORTGAGE II, INC.,
Real Party in Interest.

No. 54559

FILED

SEP 17 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 the district court's refusal to dismiss or stay the underlying action based on NRS 40.430's "one-action rule" and NRS 40.435.

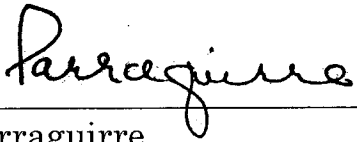
Having reviewed the petition and supporting documentation, and noting that trial is in progress, we conclude that our extraordinary intervention is not warranted. NRAP 21(b)(1); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991); NRS 34.170 and NRS 34.330 (providing that writs of mandamus and prohibition will not issue when a speedy and adequate legal remedy exists); D.R. Horton v. Dist. Ct., 123 Nev. 468, 474-75, 168 P.3d 731, 736 (2007) (noting some of the considerations in

determining whether an appeal is a speedy and adequate legal remedy).

Accordingly, we

ORDER the petition DENIED.¹


_____, C.J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Kathleen E. Delaney, District Judge
Marquis & Aurbach
Law Offices of John M. Netzorg
Eighth District Court Clerk

¹In light of this order, petitioner's motion for an emergency stay is denied as moot.