

IN THE SUPREME COURT OF THE STATE OF NEVADA

WAL-MART STORES, INC.,
Petitioner,

vs.

THE FIFTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF NYE, AND THE
HONORABLE ROBERT W. LANE,
DISTRICT JUDGE,

Respondents,


and

STEPHANIE KERNS, INDIVIDUALLY; AS
HEIR TO WARNER KERNS, AND
PERSONAL REPRESENTATIVE OF THE
ESTATE OF WARNER SCOTT KERNS;
AND ON BEHALF OF KYLE KERNS, A
MINOR,
Real Party in Interest.

No. 54645

FILED

NOV 13 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying a motion for summary judgment in a wrongful death action. Having reviewed the petition and its supporting documents, we are not persuaded that writ relief is warranted. NRAP 21(b)(1); Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (stating that mandamus is an extraordinary remedy and whether a petition will be considered is within our sole discretion). In particular, petitioner has an adequate remedy in the form of an appeal from any

adverse final judgment. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Accordingly, we

ORDER the petition DENIED.

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Robert W. Lane, District Judge
Phillips, Spallas & Angstadt, LLC
Jesse M. Sbaih & Associates, Ltd.
Nye County Clerk