

IN THE SUPREME COURT OF THE STATE OF NEVADA

CRISTIAN RODRIGUEZ-TORRES,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
ELISSA F. CADISH, DISTRICT JUDGE,
Respondents,
and
ALLISON M. MENDOZA,
Real Party in Interest.

No. 55182

FILED

FEB 05 2010

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

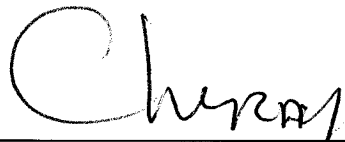
ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order granting a motion to quash and denying a motion to set aside that order.


A writ of mandamus is available only when there is no plain, speedy, and adequate remedy at law. NRS 34.170. An order quashing service of process is not an appealable order, and we have held that the appropriate vehicle for challenging such orders is through a petition for a writ of mandamus. See Firouzabadi v. District Court, 110 Nev. 1348, 885 P.2d 616 (1994); Jarstad v. National Farmers Union, 92 Nev. 380, 552 P.2d 49 (1976). We have also held, however, that an appeal is generally a speedy and adequate remedy that precludes writ relief, even if the order sought to be challenged is interlocutory in nature, because the order may ultimately be challenged on appeal from the final judgment. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

Here, the district court quashed service of the summons and complaint on real party in interest Alison M. Mendoza, the only defendant in the underlying action, which effectively ended the district court case. All that remains for the district court to do to conclude the underlying case is to enter a final, written order dismissing the action. Once such a final order has been entered, petitioner may appeal from that final order to challenge the interlocutory orders granting Mendoza's motion to quash and refusing to set aside that order. See Abreu v. Gilmer, 115 Nev. 308, 310 n.1, 985 P.2d 746, 747 n.1 (1999) (noting that this court has jurisdiction to review an interlocutory district court order quashing service of process in the context of an appeal from a final, written order dismissing the complaint); Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (providing that nonappealable interlocutory orders may be challenged on appeal in the context of an appeal from a final, written order or judgment). As a result, petitioner has a speedy and adequate remedy available in the form of an appeal, and thus, our intervention by way of extraordinary relief is not warranted. Pan, 120 Nev. at 224, 88 P.3d at 841; NRS 34.170. Accordingly, we deny the petition. See Smith v. District Court, 107 Nev. 674, 679, 818 P.2d 849, 853 (1991); NRAP 21(b)(1).

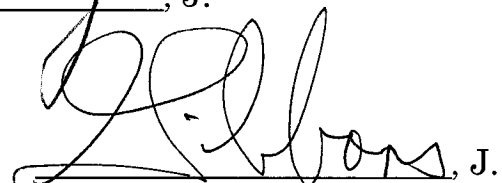
It is so ORDERED.


_____, J.

Cherry


_____, J.

Saitta


_____, J.

Gibbons

cc: Hon. Elissa F. Cadish, District Judge
J.M. Clouser & Associates, Ltd.
Law Offices of Eric Heaston Woods
Perry & Spann/Las Vegas
Eighth District Court Clerk