

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES E. OTTO, TRUSTEE OF THE
OTTO FAMILY TRUST AND V PARK,
LLC, A NEVADA LIMITED LIABILITY
COMPANY,

Petitioners,

vs.

THE FIRST JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR CARSON CITY AND
JAMES E. WILSON, DISTRICT JUDGE,

Respondents,

and

WASHOE COUNTY, NEVADA, A
POLITICAL SUBDIVISION OF THE
STATE OF NEVADA AND STATE OF
NEVADA, EX REL, STATE BOARD OF
EQUALIZATION,

Real Parties in Interest.

No. 55357

FILED

APR 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Ingerson*
DEPUTY CLERK

ORDER DENYING PETITION
FOR A WRIT OF PROHIBITION

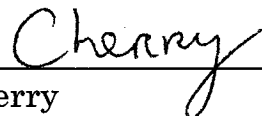
This is an original petition for a writ of prohibition seeking to compel the district court to halt further proceedings in this petition for judicial review for lack of subject matter jurisdiction.


A writ of prohibition is available when a district court acts without or in excess of its jurisdiction. NRS 34.320; State of Nevada v. Dist. Ct. (Anzalone), 118 Nev. 140, 146-47, 42 P.3d 233, 237 (2002). Such petitions are an extraordinary remedy, and whether a petition for extraordinary relief will be granted is solely within our discretion. See Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). A writ will issue only when petitioners have no plain, speedy, and adequate legal remedy, NRS 34.330, and this court has consistently held that an

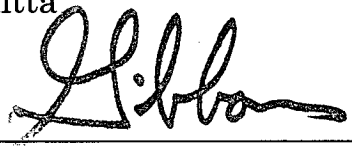
appeal typically is an adequate legal remedy precluding writ relief. See e.g., D.R. Horton v. Dist. Ct., 123 Nev. 468, 474, 168 P.3d 731, 736 (2007); Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Petitioners bear the burden of demonstrating that extraordinary relief is warranted. Pan, 120 Nev. at 228, 88 P.3d at 844.

Having reviewed the petition, the answer, and the supporting documents, we conclude that writ relief is not warranted here because petitioners, if aggrieved, have an adequate and speedy legal remedy in the form of an appeal. Accordingly, we

ORDER the petition DENIED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. James E. Wilson, District Judge
Morris Peterson/Reno
Attorney General/Carson City
Washoe County District Attorney/Civil Division
Carson City Clerk