

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT J. TUVELL, AN INDIVIDUAL  
AND JUDY L. GREEN, AN  
INDIVIDUAL,  
Petitioners,

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

GEROLD PETROSKY, AN INDIVIDUAL  
AND SHEILAH PETROSKY, AN  
INDIVIDUAL,  
Real Parties in Interest.

No. 55576

**FILED**

APR 09 2010

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 a motion to dismiss.

Generally, this court will not exercise its discretion to consider writ petitions challenging district court orders that deny motions to dismiss, unless pursuant to clear authority under a statute or rule, the district court is obligated to dismiss the action, or an important issue of law requires clarification. Smith v. District Court, 113 Nev. 1343, 1344-45 950 P.2d 280, 281 (1997). Petitioners bear the burden to demonstrate that our extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition and supporting documentation, we are not persuaded that our intervention by way of extraordinary relief is warranted at this time, NRAP 21(b)(1); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991), as petitioners are free to raise their arguments in any appeal from the final judgment and thus have an adequate remedy at law. NRS 34.160; NRS 34.320; Pan, 120 Nev. at 224, 88 P.3d at 841. Accordingly, we

ORDER the petition DENIED.

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Hon. Kathleen E. Delaney, District Judge  
Koeller Nebeker Carlson & Haluck, LLP  
Gordon & Silver, Ltd.  
Eighth District Court Clerk