

IN THE SUPREME COURT OF THE STATE OF NEVADA

MIDCOUNTRY BANK,
Petitioner,
vs.
THE THIRD JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF LYON,
AND THE HONORABLE WILLIAM G.
ROGERS, DISTRICT JUDGE,
Respondents,
and
RIBEN PEREZ AND GIANA PEREZ,
Real Parties in Interest.

No. 55650

FILED

APR 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingersoll*
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 for a preliminary injunction.

Having reviewed this petition and its supporting documentation, we are not persuaded that our intervention by way of extraordinary relief is warranted. A petition for a writ of mandamus may issue only when petitioner has no plain, speedy, and adequate legal remedy. NRS 34.170. Here, petitioner has an adequate legal remedy in the form of an appeal from the district court's order.¹ See NRAP 3A(b)(3) (providing for an appeal from a district court order granting an

¹To the extent that petitioner wishes to raise arguments with regard to the district court's order denying its motion for reconsideration, it appears that such arguments may be appropriately considered in the context of a timely appeal from the district court's order granting a preliminary injunction. Arnold v. Kip, 123 Nev. 410, 417, 168 P.3d 1050, 1054 (2007).

injunction); Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004) (noting that an appeal generally is an adequate legal remedy precluding writ relief); id. at 224-25, 88 P.3d at 841 (noting that writ relief is not available to cure the failure to file a timely notice of appeal).

It is so ORDERED.

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. William Rogers, District Judge
Law Office of Karen L. Winters
Rick Lawton
Lyon County Clerk