

IN THE SUPREME COURT OF THE STATE OF NEVADA

U.S. FOODSERVICE, INC.,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
VALERIE ADAIR, DISTRICT JUDGE,

Respondents,
and

RYAN JESSE ARENCIBIA,
Real Party in Interest.

No. 55916

FILED

JUN 10 2010

TRACIA K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
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 granting partial summary judgment in a tort 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, 679, 818 P.2d 849, 851, 853 (1991) (stating that mandamus and prohibition are extraordinary remedies 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.

Cherry
_____, J.
Cherry

Saitta
_____, J.
Saitta

Gibbons
_____, J.
Gibbons

cc: Hon. Valerie Adair, District Judge
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP
Mainor Eglet Cottle, LLP
Eighth District Court Clerk