

IN THE SUPREME COURT OF THE STATE OF NEVADA

BASHAR "ROBERT" ELYOUSEF, AN
INDIVIDUAL; AND WASEF
QARAMAN, AN INDIVIDUAL,
Petitioners,

vs.

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

Respondents,

and

PARDEEP VERMA, INDIVIDUALLY;
AND OM CONSTRUCTION, A NEVADA
LIMITED LIABILITY COMPANY,
Real Parties in Interest.

No. 56019

FILED

SEP 14 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY OMD
DEPUTY CLERK

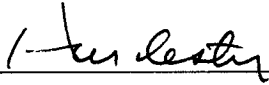
ORDER DENYING PETITION FOR WRIT OF MANDAMUS

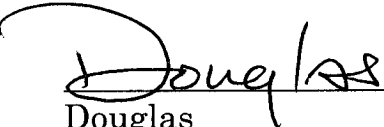
This original petition for a writ of mandamus challenges (1) a district court order refusing to release a mechanic's lien, entered after a show cause hearing, and awarding attorney fees; and (2) a district court order denying reconsideration of that order.


Having reviewed this petition and its supporting documentation, we conclude that our intervention by way of extraordinary relief is not warranted. Specifically, a writ may be issued only when petitioner has no plain, speedy, and adequate legal remedy, NRS 37.170, and this court has consistently held that an appeal is an adequate legal remedy that precludes writ relief. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Here, petitioners have an adequate legal remedy precluding writ relief in the form of an appeal from the district court's

order refusing to release the mechanic's lien and awarding attorney fees. See NRS 108.2275(8) (providing for an appeal from a district court order determining that a mechanic's lien is reasonable, neither frivolous nor excessive, and thus, refusing to release it and awarding attorney fees to the lien claimant). And writ relief is unavailable merely to correct an untimely notice of appeal. Accordingly, we deny the petition.¹ NRAP 21(b)(1); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

It is so ORDERED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Michelle Leavitt, District Judge
Kung & Associates
Amesbury & Schutt
Eighth District Court Clerk

¹Petitioners' failure to include the challenged district court orders provides an independent basis on which to deny extraordinary writ relief. See NRAP 21(a)(4) (noting that a writ petition's appendix "shall include a copy of any order or opinion, parts of the record before the respondent judge, . . . or any other original document that may be essential to understand the matters set forth in the petition").