

IN THE SUPREME COURT OF THE STATE OF NEVADA

UNITED PARCEL SERVICES, INC.
AND RICHARD A. BOVINO, JR.,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND, THE HONORABLE
MARK R. DENTON,
Respondent,
and
MARY VINCENT,
Real Party in Interest.

No. 56127

FILED

JUL 29 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Anderson*
DEPUTY CLERK

ORDER DENYING PETITION

This is an original petition for a writ of mandamus or prohibition challenging a district court order denying a motion for partial summary judgment in a tort action.

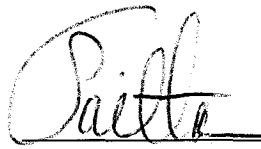
Petitioners United Parcel Service and Richard Bovino filed this petition for a writ of mandamus or prohibition. Petitioners requested that this court order the district court to judicially estop real party in interest Mary Vincent from claiming more than \$16,150 in personal-injury damages in her tort lawsuit against petitioners. As explained below, we deny their request for writ relief.¹

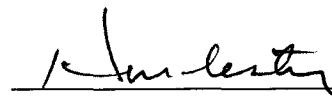
A writ of mandamus or prohibition “will issue only when the right to the relief requested is clear and the petitioners have no plain,

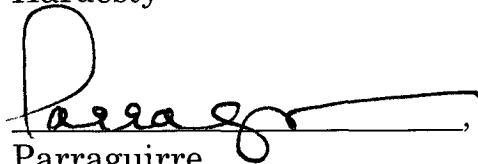
¹The parties are familiar with the facts, and we do not recount them further except as necessary to our disposition.

speedy and adequate remedy in the ordinary course of law.” Gumm v. State, Dep’t of Education, 121 Nev. 371, 375, 113 P.3d 853, 856 (2005). Here, petitioners’ ability to defend themselves against the merits of Vincent’s personal-injury claim has not been hindered in any way by the district court’s order, and they can appeal any damages-related issues in the ordinary course of law at the appropriate time.² Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004) (“[T]he right to appeal is generally an adequate legal remedy that precludes writ relief.”). Accordingly, we

ORDER the petition DENIED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

²We note that the district court’s order does not preclude petitioners from contesting the value of Vincent’s personal-injury claim. Nor does the order preclude petitioners from introducing Vincent’s bankruptcy paperwork at trial to establish this value.

cc: Hon. Mark R. Denton, District Judge
Ansa Assuncao, LLP
Kahle & Associates
Sterling Law, LLC
Cobeaga Law Firm
Law Office of Karen H. Ross
Eighth District Court Clerk