

IN THE SUPREME COURT OF THE STATE OF NEVADA

PANELIZED STRUCTURES, INC., AND  
FLOYD NIELSEN,

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, DISTRICT JUDGE,

Respondents,

and

LIBERTY MUTUAL INSURANCE  
GROUP; HELMSMAN MANAGEMENT  
SERVICES, INC.; AND THOMAS

NOVICK,

Real Parties in Interest.

No. 56206

FILED

SEP 29 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT

BY A. Ingersoll  
DEPUTY CLERK


ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION

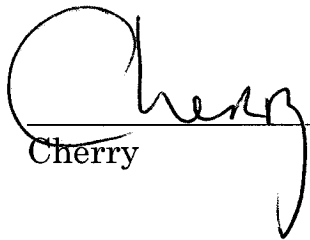
This original petition for a writ of mandamus or prohibition challenges a district court order denying petitioners' motion for summary judgment in a tort action.

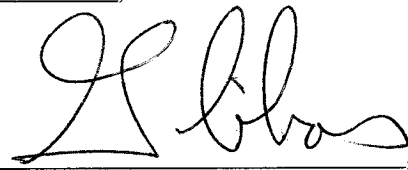
We have held that an appeal is generally an adequate legal remedy precluding writ relief. See Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Here, trial of the underlying matter is set to begin in district court on October 19, 2010. Because petitioners, if aggrieved, may appeal from the final judgment following the trial, petitioners have a speedy and adequate remedy available, and our intervention by way of extraordinary relief is thus not warranted. Id. at 224, 229, 88 P.3d at 841, 844. Further, litigation expenses do not constitute irreparable or serious harm, and the fact that petitioners will incur litigation expenses does not

provide sufficient grounds for our intervention by way of extraordinary relief. Cf. Fritz Hansen A/S v. Dist. Ct., 116 Nev. 650, 658, 6 P.3d 982, 986-87 (2000). Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Mark R. Denton, District Judge  
Lemons, Grundy & Eisenberg  
Wait Law Firm  
Elizabeth J. Foley  
Shook & Stone, Chtd.  
Eighth District Court Clerk

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<sup>1</sup>Petitioners have presented interesting issues, and this denial of their petition is without prejudice to their ability to raise the issues within the context of an appeal, if they are aggrieved by the district court's final judgment.

Additionally, we grant petitioners' opposed August 16, 2010, motion to file a reply and direct the clerk of this court to file the reply provisionally received on August 16, 2010.