

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARL F. PIAZZA,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT OF
THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK; AND THE
HONORABLE DONALD M. MOSLEY,
Respondents,
and
CITIMORTGAGE, INC.,
Real Party in Interest.

No. 56708

FILED

SEP 14 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges the district court's alleged refusal to consider petitioner's motion for a preliminary injunction.

A writ of mandamus will not issue when the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.170. This court has recognized that an appeal is generally a speedy and adequate remedy that precludes writ relief. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Here, petitioner asserts that a writ of mandamus is warranted because the district court has purportedly refused to consider his motion for a preliminary injunction. Pursuant to NRAP 3A(b)(3), a district court order refusing to grant an injunction is an appealable determination. Because petitioner may appeal from any written, file-stamped order refusing to grant his motion for a preliminary injunction, petitioner has a speedy and adequate remedy, and thus, our intervention by way of

extraordinary relief is not warranted. NRS 34.170, Pan, 120 Nev. at 224, 88 P.3d at 841; NRAP 21 (b)(1). Accordingly, we

ORDER the petition DENIED.¹

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: The Eighth District Court Clerk
Hon. Donald M. Mosley, District Judge
Law Office of Jacob L. Hafter & Associates
Pite Duncan

¹NRAP 21(a)(4) mandates that each petition for extraordinary relief be accompanied by an appendix that includes copies of “any order . . . or parts of the record . . . that may be essential to understand the matters set forth in the petition.” Here, petitioner has failed to include with his petition a copy of any district court order ruling on his motion, a transcript of the hearing at which the district court allegedly refused to consider the motion, or a copy of the district court’s minutes regarding the hearing. Additionally, petitioner has not provided copies of real party in interest’s opposition to his motion or his reply to the opposition. As a result, petitioner has failed to meet his burden of demonstrating that our intervention by way extraordinary relief is warranted, which constitutes an independent basis for denying this petition. Pan, 120 Nev. at 228, 88 P.3d at 844.