

IN THE SUPREME COURT OF THE STATE OF NEVADA

FARMERS INSURANCE EXCHANGE,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
VALORIE VEGA, DISTRICT JUDGE,
Respondents,
and
ANA GUAYASAMIN,
Real Party in Interest.

No. 57154

FILED

DEC 09 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION

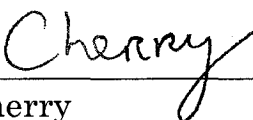
This original petition for a writ of mandamus or prohibition challenges a district court order denying a motion for summary judgment in a declaratory relief action.

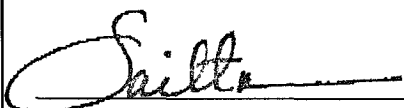
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, see NRS 34.160, or to control a manifest abuse of discretion. See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981). By contrast, a writ of prohibition may issue to confine the district court to the proper exercise of its prescribed jurisdiction when the court has acted in excess of its jurisdiction. See NRS 34.320. Both mandamus and prohibition are extraordinary remedies, and it is within this court's discretion to determine if such petitions will be considered. Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). Generally, we will not exercise our discretion to consider writ petitions that challenge district court orders denying summary judgment motions unless no disputed


factual issues remain and summary judgment is clearly required by a statute or rule, or an important issue of law requires clarification. Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997). Instead, an appeal from any adverse final judgment generally provides an adequate legal remedy, precluding writ relief. See Pan v. Dist. Ct., 120 Nev. 222, 88 P.3d 840 (2004).

Having reviewed the petition and accompanying documents, we conclude that an appeal will provide an adequate remedy, and therefore, this court's extraordinary relief is not warranted at this time. See Smith, 113 Nev. 1343, 950 P.2d 280; Pan, 120 Nev. 222, 88 P.3d 840. Accordingly, we order the petition denied. NRAP 21(b)(1).

It is so ORDERED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Valorie Vega, District Judge
David L. Riddle & Associates
Christensen Law Offices, LLC
Eighth District Court Clerk