

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHEYENNE APARTMENTS PPG, LP,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
DOUG SMITH, DISTRICT JUDGE,  
Respondents,  
and  
THE STATE OF NEVADA  
DEPARTMENT OF  
TRANSPORTATION,  
Real Party in Interest.

No. 57279

**FILED**

**JAN 18 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *J. Lindeman*  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF CERTIORARI


This original petition for a writ of certiorari challenges a district court order denying a motion for reconsideration of an order granting declaratory relief to real party in interest.

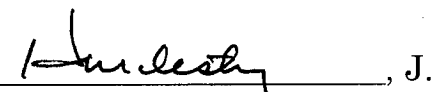
On December 7, 2010, this court denied the petition in part, directed petitioner to supplement the petition, directed an answer, and granted a temporary stay as to part of the district court's order. In its supplement, petitioner indicates that it does not object to the denial of the petition if this court concludes that the order at issue is an appealable order and if petitioner has an opportunity to obtain a stay pending appeal.


Given that the order granted injunctive relief, we conclude that it is an appealable order. See NRAP 3A(b)(3). Moreover, we note that petitioner has filed an appeal, which is currently pending before this court, see Cheyenne Apartments PPG, LP v. Nev. Dep't of Transportation,

Docket No. 57319, and the district court has granted petitioner's motion for a stay pending appeal. Accordingly, we deny the petition for a writ of certiorari because petitioner has an adequate legal remedy in the form of an appeal. See NRS 34.020(2) (explaining that a writ of certiorari is available when there is no appeal or other plain, speedy, and adequate remedy); Zamarripa v. District Court, 103 Nev. 638, 640, 747 P.2d 1386, 1387 (1987) (recognizing that the decision to consider a petition for a writ of certiorari is discretionary with this court). We also vacate the temporary stay imposed by this court in light of the district court's order staying the case pending appeal.<sup>1</sup>

It is so ORDERED.

  
Saitta, J.

  
Hardesty, J.

  
Parraguirre, J.

cc: Hon. Doug Smith, District Judge  
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas  
Attorney General/DMV/Las Vegas  
Eighth District Court Clerk

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<sup>1</sup>We disapprove as moot the parties' stipulations to extend the time for real party in interest to file its answer. Real party in interest need not file an answer.