

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARK COUNTY, A POLITICAL
SUBDIVISION OF THE STATE OF NEVADA,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK; AND THE
HONORABLE ROB BARE, DISTRICT JUDGE,
Respondents,

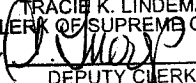
and

JOAN SAVINO, INDIVIDUALLY;
SALVATORE J. SAVINO, INDIVIDUALLY;
NEVADA POWER COMPANY D/B/A NV
ENERGY, A NEVADA CORPORATION; AND
OLDCASTLE PRECAST, INC., A
WASHINGTON CORPORATION,
Real Parties in Interest.

No. 58230

FILED

MAY 11 2011

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 a district court order denying a motion to dismiss.


Extraordinary writ relief is not available when a plain, speedy, and adequate legal remedy exists, NRS 34.170; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008), and an appeal from the final judgment is usually an adequate legal remedy that precludes writ relief. International Game Tech., 124 Nev. at 197, 179 P.3d at 558; Pan v. Dist. Ct., 120 Nev. 222, 224-25, 88 P.3d 840, 841 (2004).

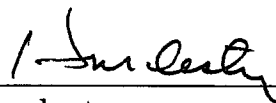
Consequently, this court will generally not intervene to consider writ petitions challenging district court orders denying motions to dismiss. “[S]uch petitions rarely have merit, often disrupt district court case processing, and consume an ‘enormous amount’ of this court’s resources.” International Game Tech. at 197, 179 P.3d at 558-59 (quoting State ex rel. Dep’t Transp. v. Thompson, 99 Nev. 358, 361-62, 662 P.2d

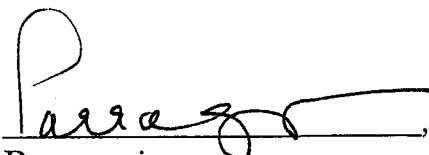
1338, 1340 (1983)). We may, however, exercise our discretion to entertain them in certain circumstances. Review of a petition's merits may be appropriate when "no factual dispute exists and the district court is obligated to dismiss an action pursuant to clear authority under a statute or rule," particularly if the underlying proceedings are at an early stage. International Game Tech. at 197-98, 179 P.3d at 559; see also Smith v. District Court, 113 Nev. 1343, 1344-45, 950 P.2d 280, 281 (1997). Review may also be justified when an important issue of law, especially one involving public policy, "needs clarification and considerations of sound judicial economy and administration militate in favor of granting the petition." International Game Tech. at 197-98, 179 P.3d at 559; see also Smith, 113 Nev. at 1344-45, 950 P.2d at 281.

Here, having reviewed the petition and supporting documents in light of these considerations, we are not persuaded that this court's extraordinary intervention is warranted in this matter. NRAP 21(b)(1); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). Accordingly, we

ORDER the petition DENIED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Rob Bare, District Judge
Clark County District Attorney/Civil Division
Barron & Pruitt, LLP
Mainor Wirth
Morris Peterson/Las Vegas
Eighth District Court Clerk