

IN THE SUPREME COURT OF THE STATE OF NEVADA

DESERT PALACE, INC. D/B/A  
CAESARS PALACE LAS VEGAS,  
Petitioner,

vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE J.  
CHARLES THOMPSON,  
Respondents,  
and  
JUDY RIVERA,  
Real Party in Interest.

No. 58326

FILED

JUN 20 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Anderson*  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order approving a good faith settlement. Petitioner argues that it would be unable to pursue contribution from the settling defendant at trial. On the second day of trial in the underlying personal injury matter, petitioner also filed in this court a motion to stay the trial that had already commenced.

To the extent that petitioner sought to stay the trial, this petition and the motion for stay were moot by the time they were filed with this court. Personhood Nevada v. Bristol, 126 Nev. \_\_\_, 245 P.3d 572 (2010). Also, the district court's determination of good faith settlement may be challenged in the context of any appeal from the final judgment. See Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998). Writ relief is unavailable when petitioner has a plain, speedy, and adequate remedy such as an appeal. NRS 34.170; Pan v. Dist. Ct., 120 Nev. 222, 224-25, 88 P.3d 840, 841 (2004). Accordingly,

extraordinary relief is not warranted, NRAP 21(b)(1); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991), and we

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

Cherry, J.  
Cherry

Gibbons, J.  
Gibbons

Pickering, J.  
Pickering

cc: Chief Judge, Eighth Judicial District Court  
Hon. J. Charles Thompson, Senior Judge  
Robinson & Wood  
Foley & Oakes, PC  
The Howard Law Firm  
Eighth District Court Clerk

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<sup>1</sup>The motion for stay is denied as moot in light of this order.