

IN THE SUPREME COURT OF THE STATE OF NEVADA

LYNN WELLS, AS A PARTICIPANT IN
THE STATE OF NEVADA
FORECLOSURE MEDIATION
PROGRAM, A PROGRAM
ADMINISTERED BY THE SUPREME
COURT OF NEVADA,

Petitioner,

vs.

STATE OF NEVADA FORECLOSURE
MEDIATION PROGRAM,

Respondent,

and

NATIONAL DEBT SERVICING CORP.

AND/OR WACHOVIA MORTGAGE, FSB,

Real Party in Interest.

No. 58750

FILED

FEB 08 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF PROHIBITION


This original petition for a writ of prohibition seeks to prevent respondent State of Nevada Foreclosure Mediation Program from proceeding with additional mediations or issuing a certificate to permit foreclosure of certain real property.


This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the district court's jurisdiction. NRS 34.320; Daane v. Dist. Ct., 127 Nev. ___, ___, 261 P.3d 1086, 1087 (2011). Writ relief is generally not available, however, when a plain, speedy, and adequate legal remedy exists. NRS 34.330; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). The right to appeal is generally an adequate legal remedy precluding writ relief. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

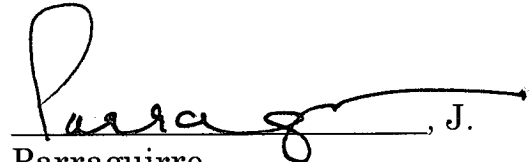
We recently explained that writ relief is unwarranted to preclude the Foreclosure Mediation Program from conducting further proceedings because, if a party is dissatisfied with the outcome of the second mediation, that party may file a petition for judicial review, and an appeal will lie from the district court's order. Daane, 127 Nev. at ___, 261 P.3d at 1087-88. Here, writ relief is not warranted because petitioner may appeal if the second mediation is ultimately unsuccessful and she is aggrieved by any subsequent district court order entered in the judicial review process.¹

Accordingly, we

ORDER the petition DENIED.


_____, J.
Gibbons


_____, J.
Pickering


_____, J.
Parraguirre

cc: Law Office of Jacob L. Hafter & Associates
Tiffany & Bosco, P. A.
Snell & Wilmer, LLP/Las Vegas

¹In light of this disposition, we vacate the temporary stay imposed by our July 18, 2011, order.