

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARRET INLOW,  
Petitioner,

vs.

THE THIRD JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CHURCHILL; AND THE HONORABLE  
WILLIAM ROGERS, DISTRICT JUDGE,  
Respondents,

and

ASHLEY SIMPSON A/K/A ASHLEY  
INLOW,  
Real Party in Interest.

No. 58785

**FILED**

**AUG 02 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

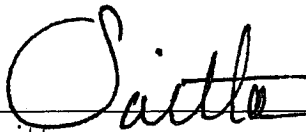
This in an original petition for a writ of mandamus challenging a district court order granting a change of venue.


When there is no plain, speedy, and adequate remedy in the ordinary course of law, NRS 34.170, a writ of mandamus is available to control an arbitrary or capricious exercise of discretion. NRS 34.160, International Game Tech v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). It is well established that an appeal is a plain, speedy, and adequate legal remedy that precludes the availability of writ relief and that writ relief is likewise not available where a party has failed to timely appeal from an otherwise appealable order. Pan v. Dist. Ct., 120 Nev. 222, 88 P.3d 840 (2004).

Here, petitioner seeks to challenge a district court order transferring venue from the Third Judicial District Court to the Fifth Judicial District Court. Because such an order is substantively appealable, see NRAP 3A(b)(6) (providing for an appeal from an order

changing the place of trial), petitioner has a plain, speedy, and adequate remedy in the form of an appeal. As a result, our intervention by way of extraordinary relief is not warranted, even if the time for appealing from the challenged order has expired. Pan, 120 Nev. 222, 88 P.3d 840. Accordingly, we deny the petition.

IT IS SO ORDERED.<sup>1</sup>

  
Saitta, J.

  
Hardesty, J.

  
Parraguirre, J.

cc: Hon. William Rogers, District Judge  
The Law Office of Jacob N. Sommer  
Ashley Simpson  
Churchill County Clerk

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<sup>1</sup>In light of this order, petitioner's request for a stay of the underlying proceedings pending consideration of the petition is denied as moot.