

IN THE SUPREME COURT OF THE STATE OF NEVADA

FLETCHER JONES EAST SAHARA
LTD, LLC, A NEVADA LIMITED
LIABILITY COMPANY D/B/A
FLETCHER JONES TOYOTA,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JEROME T. TAO, DISTRICT JUDGE,
Respondents,

and

CHRISTINE KELLEY AND RICHARD
KELLEY, INDIVIDUALLY AND ON
BEHALF OF ALL OTHERS SIMILARLY
SITUATED,

Real Parties in Interest.

No. 59234

FILED

FEB 28 2013

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

ORDER DENYING PETITION


This petition for writ of mandamus challenges the district court's order denying the petitioner's renewed motion for summary judgment. Eighth Judicial District Court, Clark County; Jerome T. Tao, Judge.

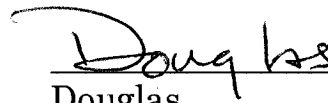
A writ of mandamus can compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179


P.3d 556, 558 (2008). Writ relief is generally unavailable when the petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.170; NRS 34.330; International Game Tech., 124 Nev. at 197, 179 P.3d at 558. Generally, an appeal is an adequate legal remedy; thus, precluding writ relief. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

Here, the petitioner can challenge the summary judgment order at issue as part of an appeal from any final judgment the district court enters, if that judgment aggrieves the petitioner. Consolidate Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (explaining that a party may challenge an interlocutory order in the context of an appeal from a final judgment); see also NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 471 (2000) (defining a final judgment). Therefore, an appeal provides the petitioner with a speedy and adequate remedy. Accordingly, we

ORDER the petition DENIED


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Jerome T. Tao, District Judge
Pyatt Silvestri & Hanlon
David S. Ladwig, Esq.
George O. West, III
Fennemore Craig Jones Vargas/Reno
Eighth District Court Clerk