

IN THE SUPREME COURT OF THE STATE OF NEVADA

KRISTOFFER WILLIAMSON, AN
INDIVIDUAL; MARK VIOLICH, AN
INDIVIDUAL; JERRY SAIZ, AN
INDIVIDUAL; ALEXANDER
MANDOYAN, AN INDIVIDUAL, ON
BEHALF OF THEMSELVES AND ALL
SIMILARLY-SITUATED
INDIVIDUALS; AND TODD MASTEJ,
AN INDIVIDUAL,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELIZABETH GOFF GONZALEZ,
DISTRICT JUDGE,

Respondents,

and

DEUTSCHE BANK AG, A GERMAN
BANK; NEVADA PROPERTY I, LLC, A
DELAWARE LIMITED LIABILITY
COMPANY; AND 3700 ASSOCIATES,
LLC, A DELAWARE LIMITED
LIABILITY COMPANY,

Real Parties in Interest.

No. 59296

FILED

OCT 12 2011

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


ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges a district court oral ruling to treat petitioners' complaint as a motion for relief from judgment under NRCP 60(b).

Having reviewed the petition and appendix, we are not persuaded that this court's intervention by way of extraordinary relief is

warranted. NRAP 21(b)(1); Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). First, no written order has been entered; therefore, this petition is premature because the district court remains free to reconsider the issue until a written order is filed. State, Div. Child & Fam. Servs. v. Dist. Ct., 120 Nev. 445, 451, 92 P.3d 1239, 1243 (2004); Rust v. Clark Cty. School District, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987). Also, petitioners may appeal from the district court's order following the hearing set for this month; absent special circumstances not present here, an appeal is a plain, speedy, and adequate legal remedy that precludes writ relief. NRS 34.170; NRS 34.330; Pan v. Dist. Ct., 120 Nev. 222, 88 P.3d 840 (2004). Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Santoro, Driggs, Walch, Kearney, Holley & Thompson/Las Vegas
Snell & Wilmer, LLP/Salt Lake City
Snell & Wilmer, LLP/Las Vegas
Eighth District Court Clerk

¹Petitioners' stay request is denied as moot in light of this order.