

IN THE SUPREME COURT OF THE STATE OF NEVADA

ESPLANADE NEVADA LLC, A
DELAWARE LIMITED LIABILITY
COMPANY; JONATHAN L. NEELEY,
INDIVIDUALLY AND AS TRUSTEE OF
THE JONATHAN L. NEELEY TRUST
DATED APRIL 2, 1996; AND BRIO
INVESTMENT GROUP, INC.,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
SUSAN SCANN, DISTRICT JUDGE,

Respondents,

and

FIFTH AND CENTENNIAL
ASSOCIATES, LLC, A NEVADA
LIMITED LIABILITY COMPANY;
PICERNE DEVELOPMENT
CORPORATION, AN ARIZONA
CORPORATION; AND CENTENNIAL
DEVELOPMENT ASSOCIATES, LLC,
Real Parties in Interest.

No. 59908

FILED

JAN 17 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Ingerson*
DEPUTY CLERK


ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION

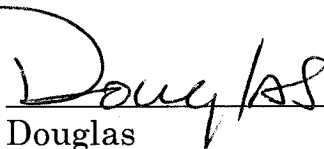
This original petition for a writ of mandamus or prohibition challenges district court orders granting in part and denying in part a motion for summary judgment brought by real parties in interest Fifth and Centennial Associates, LLC and Picerne Development Corporation and denying petitioner Esplanade Nevada LLC's motion for summary judgment in a real property action.


Writ relief is generally available when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330. This court has held that 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); see also Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (explaining that whether a petition for extraordinary relief will be issued is purely discretionary with this court). Generally, writ relief will not lie as to a district court order denying summary judgment unless the law clearly required the district court to grant summary judgment or there is an important legal problem that demands immediate resolution. D.R. Horton v. Dist. Ct., 125 Nev. 449, 453, 215 P.3d 697, 700 (2009).

Having considered the petition, we conclude that our intervention by way of extraordinary relief is not warranted. Id. at 453, 215 P.3d at 700; NRAP 21(b)(1). Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Saitta


_____, J.
Douglas


_____, J.
Gibbons

cc: Hon. Susan Scann, District Judge
Kemp, Jones & Coulthard, LLP
Jones Vargas/Las Vegas
Eighth District Court Clerk