

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID HADDOCK; AND DONNA
HADDOCK,
Petitioners,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
VALORIE J. VEGA, DISTRICT JUDGE,
Respondents,
and
FEDERAL DEPOSIT INSURANCE
CORPORATION, AS RECEIVER FOR
COMMUNITY BANK OF NEVADA, A
NATIONAL BANKING ASSOCIATION,
Real Party in Interest.

No. 60115

FILED

JUN 14 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION

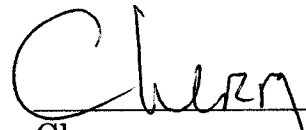
This original petition for writ of mandamus or prohibition challenges a district court partial summary judgment in a contract action.


A writ of mandamus is available to compel the performance of an act that the law requires or 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). A writ of prohibition is available when a district court acts without or in excess of its jurisdiction. NRS 34.320; State of Nevada v. Dist. Ct. (Anzalone), 118 Nev. 140, 146-47, 42 P.3d 233, 237 (2002). Neither writ is appropriate when the petitioner has a plain, speedy, and adequate remedy at law, NRS 34.170; NRS 34.330, and we have consistently held that an appeal is generally an

adequate legal remedy precluding writ relief. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

Having reviewed the petition and its supporting documents, we are not persuaded that writ relief is warranted. In particular, petitioners have an adequate legal remedy in the form of an appeal from any final judgment. Id. Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Cherry


_____, J.
Saitta


_____, J.
Hardesty

cc: Hon. Valorie J. Vega, District Judge
Law Offices of John Benedict
Sylvester & Polednak, Ltd.
Eighth District Court Clerk