

IN THE SUPREME COURT OF THE STATE OF NEVADA

PARDEE HOMES,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ALLAN R. EARL, DISTRICT JUDGE,

Respondents,

and

RAMON GARCIA; AND MARIA
SANCHEZ,

Real Parties in Interest.

No. 62092

FILED

DEC 13 2012

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

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

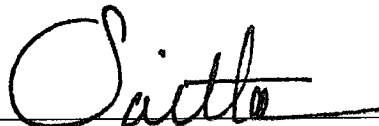
This original petition for a writ of mandamus or prohibition challenges a district court order rejecting a proposed judgment in a short trial proceeding and directing the judge pro tempore to reconsider his conclusions.

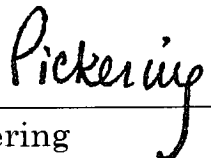
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320; Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Writ relief is generally not available, however, when the petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.170; NRS

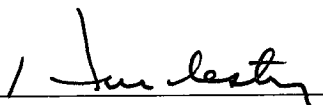
34.330; International Game Tech., 124 Nev. at 197, 179 P.3d at 558. Generally, an appeal is an adequate legal remedy precluding writ relief. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

Having considered the petition and the appendix, we conclude that writ relief is not warranted. To the extent that petitioner is aggrieved by the district court's decision, it will have an adequate legal remedy in the form of an appeal once a final judgment is entered in the action below. See id.; see also NSTR 33 (providing that a party may appeal a final judgment entered in the short trial program pursuant to the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure). Accordingly, we deny the petition. See NRAP 21(b)(1); Smith, 107 Nev. at 677, 818 P.2d at 851 (explaining that the decision to issue writ relief is discretionary with this court).

It is so ORDERED.

 _____, J.
Saitta

 _____, J.
Pickering

 _____, J.
Hardesty

cc: Hon. Allan R. Earl, District Judge
Koeller Nebeker Carlson & Haluck, LLP/Las Vegas
Maria Sanchez
Ramon Garcia
Eighth District Court Clerk