

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROLLAND P. WEDDELL,  
Petitioner,  
vs.  
THE FIRST JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CARSON CITY; AND THE  
HONORABLE JAMES TODD RUSSELL,  
DISTRICT JUDGE,  
Respondents,  
and  
MICHAEL B. STEWART,  
Real Party in Interest.

No. 62282

**FILED**

**FEB 15 2013**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *T. Malone*  
DEPUTY CLERK

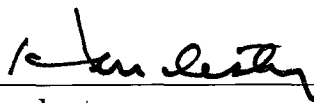
ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS OR PROHIBITION

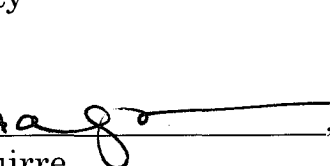
This proper person original petition for a writ of mandamus, or alternatively, prohibition, challenges a district court order entered after remand in an action involving a business dispute.

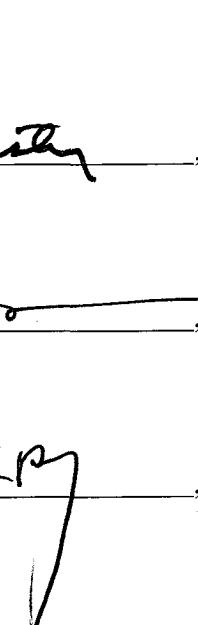
“A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion.” International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008) (citations omitted); see NRS 34.160. A writ of prohibition may be granted when the district court exceeds its jurisdiction. NRS 34.320. Writ relief is generally available, however, only when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330. The right to appeal is typically an adequate legal remedy precluding writ relief. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

After the underlying case was appealed, this court reversed in part and remanded the case to the district court for further proceedings on issues concerning petitioner's managerial rights in Granite Investment Group, LLC, and the interpretation of, and determination of compliance with, the company's operating agreement. Weddell v. H2O, Inc., 128 Nev. \_\_\_, 271 P.3d 743 (2012). The district court held a hearing on remand and subsequently entered an order resolving the issues on October 17, 2012. Petitioner filed this petition challenging the district court's order in proper person on December 13, 2012. Counsel for petitioner filed a timely notice of appeal from the order on December 21, 2012, and the appeal is presently pending in this court. Weddell v. Stewart, Docket No. 62366 (filed Dec. 21, 2012). Accordingly, because petitioner has an adequate remedy in the form of an appeal from the October 17 order, and has in fact appealed that order to this court, we conclude that petitioner has not demonstrated that our intervention by way of extraordinary relief is warranted, NRAP 21(b)(1); Pan, 120 Nev. at 228, 88 P.3d at 844, and we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. James Todd Russell, District Judge  
Rolland P. Weddell  
Robison Belaustegui Sharp & Low  
Carson City Clerk