

IN THE SUPREME COURT OF THE STATE OF NEVADA

TWIN-VEST, LLC, A NEVADA
LIMITED LIABILITY COMPANY; P.T.
CORPORATION, A NEVADA
CORPORATION; PHILIP K. BOECKLE,
AN INDIVIDUAL; AND THOMAS T.
BOECKLE, AN INDIVIDUAL,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
STEFANY MILEY, DISTRICT JUDGE,
Respondents,

and

PRECISION CRUSHING & ROCK
PRODUCTS, A NEVADA
CORPORATION; ANDY J. KAY, AN
INDIVIDUAL; LEGACY
CONSTRUCTION, INC., A NEVADA
CORPORATION; AND MARLEY
PETERSEN, AN INDIVIDUAL,
Real Parties in Interest.

No. 62940

FILED

APR 23 2013

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

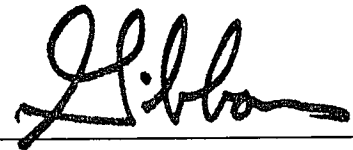
This is an original petition for a writ of mandamus challenging a district court order denying a motion for summary judgment in a tort action.

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; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Writ relief is typically not

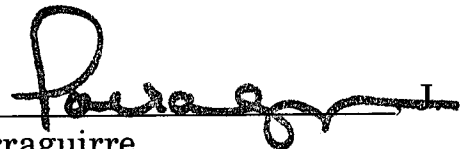
available, however, when the petitioner has a plain, speedy, and adequate remedy at law. *See* NRS 34.170; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. Generally, an appeal is an adequate legal remedy precluding writ relief. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

Petitioners, to the extent that they are aggrieved from the district court's final judgment, will have a speedy and adequate remedy at law in the form of an appeal. Accordingly, we deny the petition. NRAP 21(b); *see Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) ("[T]he issuance of a writ of mandamus or prohibition is purely discretionary with this court."). We further deny as moot petitioners' April 22, 2013, motion for a stay of the district court proceedings.

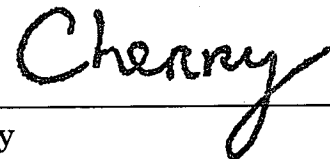
It is so ORDERED.



_____, J.
Gibbons



Parraguirre



_____, J.
Cherry

cc: Hon. Stefany Miley, District Judge
Law Office of Daniel Marks
Andy J. Kay
Cremen Law Offices
Matthew L. Johnson & Associates
Eighth District Court Clerk