

IN THE SUPREME COURT OF THE STATE OF NEVADA

WYKOFF NEWBERG CORPORATION,  
A NEVADA CORPORATION; AND  
INTERNATIONAL SMELTING  
COMPANY, A NEVADA  
CORPORATION,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
KENNETH C. CORY, DISTRICT  
JUDGE,

Respondents,

and

THE STATE OF NEVADA, ON  
RELATION OF ITS DEPARTMENT OF  
TRANSPORTATION; AND NEVADA  
POWER COMPANY, D/B/A NV  
ENERGY, INC.,  
Real Parties in Interest.

No. 63485

**FILED**

FEB 13 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY A. Malone  
DEPUTY CLERK

*ORDER DENYING PETITION  
FOR WRIT OF PROHIBITION OR MANDAMUS*

This is an original petition for a writ of prohibition or mandamus challenging district court orders granting a motion for immediate occupancy and granting a motion for determination of public use in an eminent domain action.

A writ of prohibition may be granted when the district court exceeds its jurisdiction, NRS 34.320, whereas a writ of mandamus may be issued to control an arbitrary or capricious exercise of discretion. NRS 34.160. But either writ is generally only available when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170;

*Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Petitioners bear the burden of demonstrating that this court's extraordinary intervention is warranted. *Pan*, 120 Nev. at 228, 88 P.3d at 844.

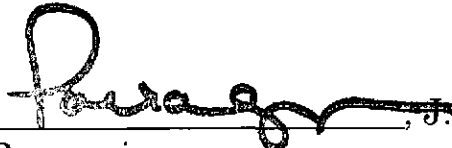
We have considered the petition, answer, reply, and the appendices filed in this matter and conclude that our intervention by way of extraordinary relief is not warranted. Specifically, petitioners have an adequate legal remedy in the form of an appeal from any adverse final judgment. *Id.* at 224, 88 P.3d at 841. Accordingly, we

ORDER the petition DENIED.

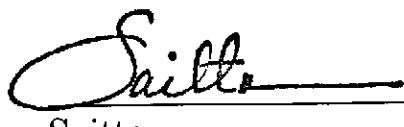


Gibbons

C.J.



Parraguirre



Saitta

J.

cc: Hon. Kenneth C. Cory, District Judge  
Lionel Sawyer & Collins/Las Vegas  
Leach Johnson Song & Gruchow  
Attorney General/Transportation Division/Carson City  
Sylvester & Polednak, Ltd.  
Eighth District Court Clerk