

IN THE SUPREME COURT OF THE STATE OF NEVADA

SUMMER MACKIE, INDIVIDUALLY;
AND JEFFREY MACKIE,
INDIVIDUALLY,
Petitioners,

vs.

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

and

JAMES LA PELUSA, INDIVIDUALLY
AND AS GUARDIAN AD LITEM FOR
JAMES MATTHEW LA PELUSA, A
MINOR, AND MICHAEL LEE LA
PELUSA, A MINOR, AND AS HEIRS TO
THE ESTATE OF SHANNA LA
PELUSA, DECEASED,
Real Parties in Interest.

No. 63537

FILED

SEP 20 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

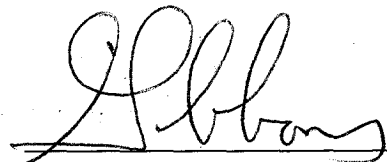
This original petition for a writ of mandamus challenges district court orders granting partial summary judgment and a motion to amend a complaint in a tort action.


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; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Mandamus is an extraordinary remedy, and whether a petition will be considered is within our sole discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Mandamus


will not issue when the petitioners have 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. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

Having considered the petition and appendix, we conclude that our intervention by way of extraordinary relief is not warranted. NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851. Specifically, petitioners have an adequate legal remedy in the form of an appeal from any adverse final judgment. *Pan*, 120 Nev. at 224, 88 P.3d at 841. Accordingly, we

ORDER the petition DENIED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Susan Johnson, District Judge
Hansen Rasmussen, LLC
Cottle Law Firm
Eighth District Court Clerk