

IN THE SUPREME COURT OF THE STATE OF NEVADA

DREW EVAN PLAT; JOHNNY
AUTOWORLD, INC., D/B/A
HENDERSON NISSAN; AND JS
AUTOWORLD, INC. D/B/A PLANET
NISSAN,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE ABBI
SILVER, DISTRICT JUDGE,
Respondents,
and
MARISSA NICHOLS,
Real Party in Interest.

No. 63918

FILED

OCT 02 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
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 partial summary judgment on the issue of negligent entrustment in a tort case.


After the district court denied their motion, petitioners Drew Plat, Johnny Autoworld, Inc., and JS Autoworld, Inc. filed the present petition for a writ of mandamus from this court ordering the district court to grant their motion for partial summary judgment. A writ of mandamus is not available “when an adequate and speedy legal remedy exists.” *Rolf Jensen & Assocs., Inc. v. Eighth Judicial Dist. Court*, 128 Nev. ___, ___, 282 P.3d 743, 745 (2012) (internal quotations omitted); see NRS 34.170. The right to appeal, “after a final judgment is ultimately entered, will generally constitute an adequate and speedy legal remedy precluding writ relief.” *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474,

168 P.3d 731, 736 (2007). Because petitioners bear the burden of demonstrating that extraordinary writ relief is warranted, *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004), and they have not demonstrated why an eventual appeal will not provide them with an adequate legal remedy, we

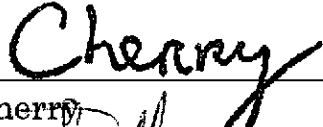
ORDER the petition DENIED.¹

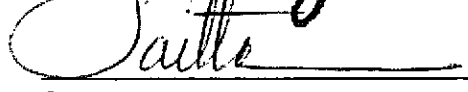

_____, C.J.
Gibbons


_____, J.
Pickering


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry


_____, J.
Saitta

cc: Hon. Abbi Silver, District Judge
Hall Jaffe & Clayton, LLP
Edward M. Bernstein & Associates/Las Vegas
Eighth District Court Clerk

¹The Honorable Ron Parraguirre, Justice, voluntarily recused himself from participation in the decision of this matter.