

IN THE SUPREME COURT OF THE STATE OF NEVADA

OASIS MOVING AND STORAGE,
Petitioner,
vs.
APPEALS OFFICER PAUL LYCHUK,
DEPARTMENT OF ADMINISTRATION
HEARING DIVISION,
Respondent,
and
JUAN RAMIREZ DE LEON,
Real Party in Interest.

No. 64146

FILED

NOV 14 2013

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


ORDER DENYING PETITION FOR WRIT OF PROHIBITION


This original petition for a writ of prohibition asks this court to prevent the Department of Administration appeals officer from conducting further proceedings regarding an administrative appeal in a workers' compensation matter.

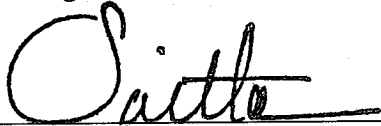
A writ of prohibition is an extraordinary remedy, and the decision to entertain a petition requesting this form of relief is within this court's discretion. NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Such relief is generally not available when a plain, speedy, and adequate legal remedy exists. See NRS 34.330. Here, we conclude that petitioner has a plain, speedy, and adequate remedy, and thus, our intervention by way of extraordinary relief is not warranted. Specifically, once respondent enters a final, written order, petitioner has the right to petition the district court for judicial review. NRS 616C.370. Then, once the district court has resolved the petition for judicial review, petitioner, if aggrieved, may appeal to this court from the district court's order. NRS 233B.150; see also *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004)

(explaining that an appeal is generally an adequate legal remedy precluding writ relief). Accordingly, we deny the petition. NRS 34.330; *Pan*, 120 Nev. at 224, 88 P.3d at 841; *see also* NRAP 21(b)(1).

It is so ORDERED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Law Offices of David Benavidez
Richard S. Staub
Paul S. Lychuk, Department of Administration Appeals Officer
Attorney General/Carson City