

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAURA K. FORMAN,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JOANNA KISHNER, DISTRICT
JUDGE,
Respondents,
and
NV SANDCASTLES LLC,
Real Party in Interest.

No. 65586

FILED

JUN 12 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF PROHIBITION

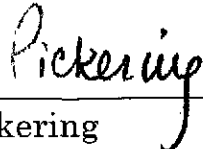
This original petition for a writ of prohibition challenges a district court order denying a temporary restraining order and a preliminary injunction in a real property action.

This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. NRS 34.320. Petitioner bears the burden of demonstrating that this court's extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Writ relief is generally available, however, only when there is no plain, speedy, and adequate remedy in the ordinary course of law, NRS 34.330, and the right to an appeal is typically an adequate legal remedy precluding writ relief. *Pan*, 120 Nev. at 224, 88 P.3d at 841.

Because the district court's refusal to grant a preliminary injunction constitutes an appealable determination, NRAP 3A(b)(3), and

all of the arguments raised by petitioner could be raised in an appeal from that order, our intervention by way of extraordinary relief is not warranted, as an appeal from the challenged determination constitutes an adequate legal remedy that precludes writ relief. *Pan*, 120 Nev. at 224, 88 P.3d at 841. Further, while it is unclear from the documents before this court whether the time to appeal from the injunction order has expired, if an appeal can no longer be timely filed, this court has held that writ relief is not available to correct an untimely notice of appeal. *Id.* Accordingly, we deny the petition. *Id.*; NRAP 21(b)(1).

It is so ORDERED.


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Saitta

cc: Hon. Joanna Kishner, District Judge
Robert P. Bettinger
Law Offices of Noggle Law PLLC
Eighth District Court Clerk