

IN THE SUPREME COURT OF THE STATE OF NEVADA

UNITED RENTALS NORTHWEST,
INC., AN OREGON CORPORATION,
Petitioner,

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

DOUGLAS SMITH; LORI CHERI
SMITH; AMERICAN HOME
ASSURANCE COMPANY; CHARTIS
GLOBAL RECOVERY SERVICES;
SKYJACK, INC.; LINAMAR
CORPORATION; AND TIFFINY
DECORATING CO.,

Real Parties in Interest.

No. 66443

FILED

NOV 14 2014

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This original petition for a writ of mandamus challenges a district court order denying a motion for partial summary judgment in a tort action.

A writ of mandamus is an extraordinary remedy 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). Whether a writ will be considered is within this court's sole discretion, *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991), and it is petitioner's burden to demonstrate

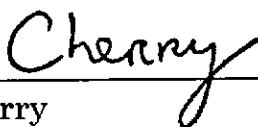
that our extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Moreover, writ relief is typically available only when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. Generally, an appeal is an adequate legal remedy precluding writ relief. *Pan*, 120 Nev. at 224, 88 P.3d at 841.

Having considered the petition, we are not persuaded that our intervention is warranted at this time. NRAP 21(b)(1); *Pan*, 120 Nev. at 228, 88 P.3d at 844; *Smith*, 107 Nev. at 677, 818 P.2d at 851. Specifically, petitioner has an adequate legal remedy in the form of an appeal. *Pan*, 120 Nev. at 224, 88 P.3d at 841. Accordingly, we

ORDER the petition DENIED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Kenneth C. Cory, District Judge
Alverson Taylor Mortensen & Sanders
Beckett, Yott, McCarty & Spann/Reno
Sean Claggett & Associates, Inc.
Eckman Strandness & Egan
Pyatt Silvestri & Hanlon
Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC
Cassiday Schade LLP
Lincoln, Gustafson & Cercos
Eighth District Court Clerk