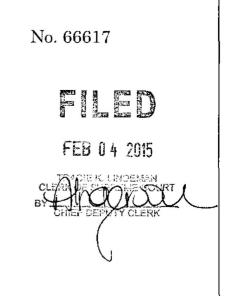
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JEAN FENOLIO, 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 JUDY MARSHALL; AND RANDY MARSHALL, Real Parties in Interest.



ORDER DENYING PETITION FOR WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges a district court partial summary judgment order entered in a personal injury action.

Mandamus and prohibition are typically not available when the petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.170; NRS 34.330; Int'l Game Tech., Inc. v. Second Judicial Dist. Court, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). 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).

In this case, if petitioner is aggrieved by the final judgment entered below, she may appeal that determination and challenge the partial summary judgment ruling at issue here in the context of that appeal. *Consol. Generator-Nev., Inc. v. Cummins Engine Co.*, 114 Nev.

COURT OF APPEALS OF NEVADA 1304, 1312, 971 P.2d 1251, 1256 (1998) (recognizing that interlocutory orders entered before final judgment can be reviewed in an appeal from the final judgment). Thus, we conclude that petitioner has a speedy and adequate legal remedy available, and we therefore deny the petition. *See Pan*, 120 Nev. at 224, 88 P.3d at 841.

It is so ORDERED.

C.J.

Gibbons

J. Tao

J.

Silver

cc: Hon. Joanna Kishner, District Judge Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas Glen Lerner Injury Attorneys Eighth District Court Clerk