

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.

No. 66617

FILED

FEB 04 2015

TEODIE K. LINDEMAN
CLERK OF THE COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

*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.

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