

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERRA CONTRACTING, INC., A  
NEVADA CORPORATION,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
ADRIANA ESCOBAR, DISTRICT  
JUDGE,

Respondents,

and

HECTOR LOPEZ; AND LUCIA LUCAS  
BARRAGAN,  
Real Parties in Interest.

No. 66626

**FILED**

**DEC 22 2014**

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

*ORDER DENYING PETITION FOR WRIT OF PROHIBITION*


This is an original petition for a writ of prohibition challenging a district court order denying a motion to dismiss.


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. See NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Writ relief is typically not available, however, when petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.330; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court generally will not consider writ petitions challenging district court orders denying a motion to dismiss because an appeal from the final judgment is usually a speedy and adequate legal remedy precluding writ relief. *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. In some instances, this court will consider such


petitions if no factual dispute exists and the district court was obligated to dismiss the action pursuant to clear authority or if an important issue of law needs clarification. *Id.* at 197-98, 179 P.3d at 559.

Petitioner challenges the district court's denial of a motion to dismiss. Given the pleading standard set forth in NRCP 8, we decline to intervene through extraordinary writ relief at this time. *See Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008) (explaining this court's standard of review). Accordingly, we deny the petition. *See* NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851. Our denial, however, is without prejudice to petitioner's right to seek review again after the district court resolves any motion for summary judgment in the matter below.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Adriana Escobar, District Judge  
Shumway Van & Hansen  
Dixon Law Firm LLC  
Esther Rodriguez  
Eighth District Court Clerk