

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIKE HIGHTOWER; AND  
SOUTHWESTERN FURNITURE OF  
WISCONSIN, LLC,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF CLARK;  
AND THE HONORABLE JOSEPH  
HARDY, JR., DISTRICT JUDGE,  
Respondents,

and

MARTIN VALDEZ-BURCIAGA; AND  
TERESA PITONES,  
Real Parties in Interest.

No. 71329

**FILED**

OCT 17 2016

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
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 to dismiss a negligence per se claim.

Having considered the petition and supporting documents, we are not persuaded that our extraordinary and discretionary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). In particular, and from a practical standpoint, it does not appear that petitioners are aggrieved by the

district court's decision.<sup>1</sup> To the extent that they may become aggrieved by the decision, they have 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.

Cherry, J.  
Cherry

Douglas, J.  
Douglas

Gibbons, J.  
Gibbons

cc: Hon. Joseph Hardy, Jr., District Judge  
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas  
Maier Gutierrez Ayon, PLLC  
Eighth District Court Clerk

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<sup>1</sup>Petitioners recognized as much in district court when they stated that the purpose of their motion was simply to "clean[ ] up the pleadings."