

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEORGE T. WILLS,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
NANCY L. ALLF, DISTRICT JUDGE,
Respondents,
and
JENET MRAZ,
Real Party in Interest.

No. 73156

FILED

JUL 11 2017

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 district court orders granting a motion for a jury trial and denying a motion for partial summary judgment in a tort action.

Having considered the petition and appendix filed in this matter, we are not persuaded that the district court arbitrarily or capriciously abused its discretion when it granted real party in interest's motion for a jury trial. *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). In particular, NRCP 39(b) provides that the decision to grant an untimely jury trial request is within the district court's discretion. *Walton v. Eighth Judicial Dist. Court*, 94 Nev. 690, 695, 586 P.2d 309, 312 (1978) (noting that under NRCP 39(b), the district court has the discretion to grant a motion for a jury trial after a party's failure to timely demand a jury trial).


As to the district court's denial of petitioner's motion for partial summary judgment, we are not persuaded that our extraordinary and discretionary intervention is warranted. *Pan v. Eighth Judicial Dist.*

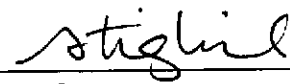
Court, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991); see *Smith v. Eighth Judicial Dist. Court*, 113 Nev. 1343, 1344-45, 950 P.2d 280, 281 (1997) (observing that this court generally will not consider writ petitions challenging orders denying summary judgment). In particular, petitioner has a plain, speedy, and adequate remedy in the form of an appeal from any adverse final judgment. *Pan*, 120 Nev. at 224, 88 P.3d at 841; *Moore v. Eighth Judicial Dist. Court*, 96 Nev. 415, 416-17, 610 P.2d 188, 189 (1980) (determining that writ relief is generally not an appropriate remedy when resolution of the writ petition would not dispose of the entire controversy).

Accordingly, we

ORDER the petition DENIED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich

cc: Hon. Nancy L. Alf, District Judge
Olson, Cannon, Gormley, Angulo & Stoberski
Patti, Sgro & Roger
Eighth District Court Clerk