

IN THE SUPREME COURT OF THE STATE OF NEVADA

PALOMINO CLUB, LLC, A DOMESTIC LIMITED LIABILITY COMPANY, D/B/A PALOMINO CLUB; HACHIMAN, LLC, A DOMESTIC LIMITED LIABILITY COMPANY; ADAM GENTILE, AN INDIVIDUAL; CRAIG PARKS, AN INDIVIDUAL; AND LACY'S LLC, D/B/A LACY'S,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE KENNETH C. CORY, DISTRICT JUDGE,

Respondents,

and

ALEXANDER POTASI, AN INDIVIDUAL; AND DEREK FESOLAI, AN INDIVIDUAL,

Real Parties in Interest.

No. 74646

FILED

FEB 15 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Elizabeth A. Brown*
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 order denying a motion to dismiss a tort action as to claims against petitioners Palomino Club, LLC, Hachiman, LLC, Adam Gentile, and Craig Parks.

Having considered the petition and its supporting documents, we are not persuaded that our extraordinary and discretionary intervention is warranted, as an adequate remedy exists in the form of an appeal from any adverse final judgment. *Archon Corp. v. Eighth Judicial Dist. Court*, 133 Nev., Adv. Op. 101, 407 P.3d 702, 706 (2017) (explaining historical

predicates for issuing writs of mandamus and prohibition, which are limited and do not include controlling a trial court's decision in a discretionary, interlocutory matter that can be reviewed on appeal from the final judgment); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (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 motions to dismiss); *Moore v. Eighth Judicial Dist. Court*, 96 Nev. 415, 417, 610 P.2d 188, 189 (1980) (determining that mandamus is not an appropriate remedy when resolution of the writ petition would not dispose of the entire controversy, since the avoidance of a needless trial is not possible). Accordingly, we

ORDER the petition DENIED.

Pickering, J.
Pickering

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

cc: Hon. Kenneth C. Cory, District Judge
Cook & Kelesis
Lucherini Blakesley Courtney, P.C.
Eighth District Court Clerk