

IN THE SUPREME COURT OF THE STATE OF NEVADA

CONIFER PROPERTIES, INC.,
BENEDICTO V. YUJUICO, TERESITA M.
YUJUICO AND WESTERN TITLE COMPANY,

Petitioners,

vs.

THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF WASHOE, AND THE
HONORABLE PETER I. BREEN, DISTRICT
JUDGE,

Respondents,

and

BANK OF CREDIT AND COMMERCE HONG
KONG, LTD.,

Real Party in Interest.

No. 36819

FILED

OCT 23 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

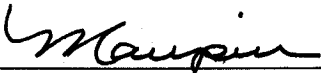
ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This original petition for a writ of mandamus challenges the district court's order striking petitioners' answer and counterclaim, entering default, and awarding attorney's fees, as sanctions for discovery abuse. We have considered the petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. It appears that petitioners have an adequate remedy in the ordinary course of the law in that they can appeal from the final judgment in this matter. See NRS 34.170; Hickey v. District Court, 105 Nev. 729, 782 P.2d 1336 (1989). Accordingly, we deny the petition. See NRAP 21(b);


00-18750

1338 (1983).

It is so ORDERED.¹


_____, J.
Maupin


_____, J.
Leavitt


_____, J.
Becker

cc: Hon. Peter I. Breen, District Judge
Jeffrey A. Dickerson
Jacobs, Spotswood, Casper & Murphy
Lionel Sawyer & Collins
Washoe County Clerk

¹With respect to the motion to dismiss which appears to be pending in the district court, we conclude that petitioners have not sufficiently demonstrated that the district court refused to resolve the motion and thereby failed to fulfill its judicial duty. See NRS 34.160. We note that a final judgment does not appear to have been entered in this matter and petitioners can move the district court to resolve the motion to dismiss before the entry of a final judgment.