

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MILYN KREDA; AND LARRY KREDA,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
DOUGLAS SMITH, DISTRICT JUDGE,
Respondents,

and

CATHERINE HYDE; JILLIAN HYDE;
ROBERT LEE BURROWS; AND MID
CENTURY INSURANCE COMPANY,
Real Parties in Interest.

No. 72296

FILED

OCT 13 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION


Milyn Kreda petitions for a writ of mandamus, or, in the alternative prohibition, challenging a district court order denying a motion for summary judgment in a tort action.


Whether to consider a writ petition is within this court's discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). And petitioner bears the burden of demonstrating that extraordinary relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Writ relief is typically not available when the petitioner has a plain, speedy, and adequate remedy at law. *See* NRS 34.170; *Int'l Game Tech., Inc.*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). And generally, an appeal is an adequate legal remedy precluding writ relief. *Pan*, 120 Nev. at 224, 88 P.3d at 841. Moreover, writ relief is generally inappropriate when resolving the writ petition would not dispose of the entire controversy.

Moore v. Eighth Judicial Dist. Court, 96 Nev. 415, 416-17, 610 P.2d 188, 189 (1980). In this case, we conclude that petitioner has an adequate legal remedy in the form of an appeal, and granting the petition would not dispose of the entire case. Accordingly, we deny the petition. See NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.

, C.J.
Silver

, J.
Tao

, J.
Gibbons

cc: Hon. Douglas Smith, District Judge
Patton & Kiraly, P.C.
Simon Law
Law Offices of Kenneth E. Goates
Law Offices of Karl H. Smith/Las Vegas
Eighth District Court Clerk