IN THE SUPREME COURT OF THE STATE OF NEVADA

AUBREY JAMES HOOPER, III, INDIVIDUALLY, 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

DAVID HINES, INDIVIDUALLY, AND AS HEIR TO THE ESTATE OF STEPHENE NORMAND: ASIALYNN NORMAND, INDIVIDUALLY, AND AS HEIR TO THE ESTATE OF STEPHENE NORMAND: YOSIDONNA NORMAND. INDIVIDUALLY, AND AS HEIR TO THE ESTATE OF STEPHENE NORMAND; ALVIN NORMAND, LEGAL GUARDIAN FOR AMERICUS NORMAND, A MINOR. INDIVIDUALLY, AND AS HEIR TO THE ESTATE OF STEPHENE NORMAND; DAVID HINES, AS SPECIAL ADMINISTRATOR OF THE ESTATE OF STEPHENE NORMAND: DAVID HAUSER, INDIVIDUALLY: JASON BARATTA, INDIVIDUALLY: CULINARY LOGIC, LLC, A DOMESTIC LIMITED-LIABILITY COMPANY: AND HAULIN BALLS TRUCKS LLC, A FOREIGN LIMITED-LIABILITY COMPANY. Real Parties in Interest.

No. 81349

FILED

CLERK OF SUPREME COURT

DEPUTY CLERK

SUPREME COURT OF NEVADA

(O) 1947A

ORDER DENYING PETITION FOR A WRIT OF MANDAMUS

This is an original petition for a writ of mandamus challenging a district court order denying a motion to dismiss pursuant to NRCP 12(b)(4).

As a general rule, "judicial economy and sound judicial administration militate against the utilization of mandamus petitions to review orders denying motions to dismiss and motions for summary judgment." State ex rel. Dep't of Transp. v. Thompson, 99 Nev. 358, 362, 662 P.2d 1338, 1340 (1983), as modified by State v. Eighth Judicial Dist. Court, 118 Nev. 140, 147, 42 P.3d 233, 238 (2002); Buckwalter v. Dist. Court, 126 Nev. 200, 201, 234 P.3d 920, 921 (2010) (noting that "[n]ormally this court will not entertain a writ petition challenging the denial of a motion to dismiss"). Although the rule is not absolute, see Int'l Game Tech., Inc. v. Second Judicial Dist. Court, 122 Nev. 132, 142-43, 127 P.3d 1088, 1096 (2006), petitioner has not established that an eventual appeal does not afford an adequate legal remedy. NRS 34.170. Interlocutory review by extraordinary writ is not warranted in this case. Accordingly, we

ORDER the petition DENIED.

Pickering, C.J.

Hardesty, J.

Stiglich,

cc: Hon. Nancy L. Allf, District Judge Messner Reeves LLP

SUPREME COURT OF NEVADA

(O) 1947A

Richard Harris Law Firm Holley Driggs/Las Vegas Murchison & Cumming, LLC/Las Vegas Eighth District Court Clerk

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