

IN THE SUPREME COURT OF THE STATE OF NEVADA

BARBARA RODRIGUEZ; AND
KATHLEEN VIRGINIA JONES, IN HER
CAPACITY AS SPECIAL
ADMINISTRATOR OF THE ESTATE
OF ERNEST RODRIGUEZ,
Petitioners,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
KATHLEEN M. DRAKULICH,
DISTRICT JUDGE,

Respondents,

and

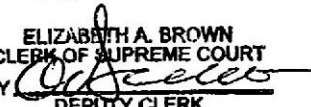
PREMIER HOME CONSTRUCTION,
INC.,

Real Party in Interest.

No. 82939

FILED

SEP 30 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus, or alternatively, prohibition, challenges a district court order granting summary judgment on the issue of whether the work performed on appellant's property was a "qualified service" for the purposes of NRS 624.622(4)(a).

This court has original jurisdiction to issue writs of mandamus, and the issuance of such extraordinary relief is within this court's sole discretion. *See Nev. Const. art. 6, § 4; D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). Petitioners bear the burden to show that extraordinary relief is warranted, and such relief is proper only when there is no plain, speedy, and adequate remedy at law. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88

P.3d 840, 841, 844 (2004). An appeal is generally an adequate remedy precluding writ relief. *Id.* at 224, 88 P.3d at 841. Even when an appeal is not immediately available because the challenged order is interlocutory in nature, the fact that the order may ultimately be challenged on appeal from a final judgment generally precludes writ relief. *Id.* at 225, 88 P.3d at 841. Further, “[t]his court has held that the decision to admit or exclude expert opinion testimony is discretionary and is not typically subject to review on a petition for a writ of mandamus.” *Williams v. Eighth Judicial Dist. Court*, 127 Nev. 518, 524, 262 P.3d 360, 364 (2011). Having considered the petition, real party in interest’s answer, and petitioner’s reply in support of petition, we are not persuaded that our extraordinary intervention is warranted because petitioners have not demonstrated that an appeal from a final judgment below would not be a plain, speedy, and adequate legal remedy. Accordingly, we

ORDER the petition DENIED.

Hardesty, C.J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Kathleen M. Drakulich, District Judge
Law Office of James Shields Beasley
Castronova Law Offices, P.C.
Washoe District Court Clerk