

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALFRED R. WARNER, III,
Petitioner,
vs.
THE HONORABLE ADRIANA
ESCOBAR, DISTRICT JUDGE; AND
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondents,
and
ANNIE LAURIE DIMARTINI; AND
HAROLD REILLY,
Real Parties in Interest.

No. 84074

FILED

JAN 21 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This emergency, original petition for a writ of mandamus challenges an oral district court ruling denying petitioner's motion to set aside a default.

Having considered the petition and supporting documentation, we are not convinced that our extraordinary and discretionary intervention is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition). In particular, we are not persuaded that an appeal following a final judgment would be an inadequate remedy. *See* NAR 18(F) (party can appeal to challenge order

striking trial de novo request); NAR 19(B) (an appeal may be taken from a judgment on an arbitration award to challenge an interlocutory district court order disposing of part of the action); NSTR 33 (allowing appeal from final judgment); *Pan*, 120 Nev. at 224, 88 P.3d at 841 (2004) (“[T]he right to appeal is generally an adequate legal remedy that precludes writ relief.”). Accordingly, we

ORDER the petition DENIED.

Silver, J.
Silver

Cadish, J.
Cadish

Pickering, J.
Pickering

cc: Hon. Adriana Escobar, District Judge
Robert W. Lueck, Ltd.
Rumph & Peyton
Qualey Law Group
Eighth District Court Clerk