

IN THE SUPREME COURT OF THE STATE OF NEVADA

NUVEDA, LLC,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELIZABETH GOFF GONZALEZ,
DISTRICT JUDGE,

Respondents,

and

SHANE M. TERRY,
Real Party in Interest.

No. 82767

FILED

FEB 16 2022

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

ORDER DENYING PETITION

This is an original petition for a writ of prohibition or, alternatively, mandamus challenging a district court order denying a motion for judgment based on preclusion grounds.

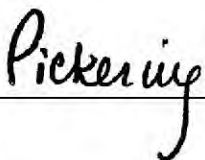
We have reviewed the petition and its supporting documentation and are not persuaded that our discretionary and extraordinary intervention is warranted. *See Direct Grading & Paving, LLC v. Eighth Judicial Dist. Court*, 137 Nev., Adv. Op. 31, 491 P.3d 13, 17 (2021) (stating that the decision to entertain a writ petition is solely within our discretion); *see also Archon Corp. v. Eighth Judicial Dist. Court*, 133 Nev. 816, 821, 407 P.3d 702, 707 (2017) (stating that the “petitioner . . . bears the burden of [showing] that writ relief is warranted”). First, the petition appears premature in that it does not appear that the district court has denied petitioner NuVeda, LLC’s (NuVeda) motion to dismiss or grant summary judgment on real party in interest Shane Terry’s claims. Rather, it appears that the district court denied NuVeda’s

subsequent motion wherein it asked the district court to rule on its previous motion to dismiss or grant summary judgment. It is inappropriate for this court to address an issue “by the extraordinary writ of mandamus before the district court has dealt with [the issue].” *See Archon*, 133 Nev. at 825, 407 P.3d at 710 (quoting *Plata v. Schwarzenegger*, 560 F.3d 976, 984 (9th Cir. 2009)). Second, NuVeda has not shown that it lacks an adequate legal remedy. *See Bd. of Parole Comm’rs. v. Second Judicial Dist. Court (Thompson)*, 135 Nev. 398, 400-01, 451 P.3d 73, 76 (2019) (stating that mandamus “is not available when the petitioner has a plain, speedy, and adequate remedy in the ordinary course of law” and that an appeal is generally an adequate remedy). For these reasons, we

ORDER the petition DENIED.


_____, J.
Silver


_____, J.
Cadish


_____, J.
Pickering

cc: Hon. Linda Marie Bell, Chief Judge
Eighth Judicial District Court, Department 11
Flynn Giudici
Law Office of Mitchell Stipp
Mushkin & Coppedge
Eighth District Court Clerk