

IN THE SUPREME COURT OF THE STATE OF NEVADA

FELICE J. FIORE; AND SPEEDVEGAS,  
LLC,  
Petitioners,  
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  
ESTATE OF GIL BEN-KELY BY  
ANTONELLA BEN-KELY, THE DULY  
APPOINTED REPRESENTATIVE OF THE  
ESTATE AND AS THE WIDOW AND HEIR  
OF DECEDENT GIL BEN-KELY; SHON  
BEN-KELY, SON AND HEIR OF  
DECEDENT GIL BEN-KELY; NATHALIE  
BEN-KELY-SCOTT, DAUGHTER AND  
HEIR OF THE DECEDENT GIL BEN-  
KELY; GWENDOLYN WARD, AS  
PERSONAL REPRESENTATIVE OF THE  
ESTATE OF CRAIG SHERWOOD,  
DECEASED; GWENDOLYN WARD,  
INDIVIDUALLY, AND AS SURVIVING  
SPOUSE OF CRAIG SHERWOOD,  
DECEASED; AND GWENDOLYN  
SHERWOOD, AS MOTHER AND  
NATURAL GUARDIAN OF ZANE  
SHERWOOD, SURVIVING MINOR CHILD  
OF CRAIG SHERWOOD, DECEASED,  
Real Parties in Interest.

No. 83590

**FILED**

APR 29 2022

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

*ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS OR PROHIBITION*

This is an original petition for a writ of mandamus or prohibition challenging a district court's denial of petitioners' motion for summary judgment in a tort action. Having considered petitioners' argument and the supporting documents, we conclude that our extraordinary and discretionary intervention is not warranted as to petitioners' request for mandamus relief. *See* NRS 34.160; NRS 34.170; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004) (stating that an appeal is generally an adequate legal remedy precluding writ relief and recognizing that petitioner bears the burden of demonstrating that writ relief is warranted, unless the district court is obligated to dismiss or summarily adjudicate the action or an important issue of law requires clarification); *Smith v. Eighth Judicial Dist. Court*, 113 Nev. 1343, 1344-45, 950 P.2d 280, 281 (1997) (observing that this court generally will not consider writ petitions challenging orders denying motions to dismiss or for summary judgment); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d. 849, 851 (1991) (observing that issuance of the writ is subject to this court's discretion).

Petitioners do not address the general rule that the court will not entertain writ petitions challenging district court orders denying summary judgment, and we conclude that the petition presents no reason to deviate from it. *See ANSE, Inc. v. Eighth Judicial Dist. Court*, 124 Nev. 862, 867, 192 P.3d 738, 742 (2008) (declining to consider such petitions "unless summary judgment is clearly required by a statute or rule, or an important issue of law requires clarification"). Insofar as petitioners seek a writ of prohibition, they provide no cogent argument regarding that relief,

and we need not consider it. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006). Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

  
Parraguirre, C.J.

  
Cadish, J.

  
Gibbons, Sr.J.

cc: Hon. Nancy L. Allf, District Judge  
Lewis Roca Rothgerber Christie LLP/Las Vegas  
Taylor Anderson LLP  
ER Injury Attorneys  
Panish Shea & Boyle, LLP/Las Vegas  
Brenske Andreevski & Krametbauer  
Panish Shea & Boyle, LLP/Los Angeles  
Eighth District Court Clerk

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<sup>1</sup>We deny petitioners' request for a stay as moot.

The Honorable Mark Gibbons, Senior Justice, participated in the decision of this matter under a general order of assignment.