

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK KRAFT; AND DAWG HOUSE,
LLC, A LIMITED LIABILITY
COMPANY,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JESSICA K. PETERSON, DISTRICT
JUDGE,

Respondents,

and,

TED BARNEY,

Real Party in Interest.

No. 86166

FILED

MAR 20 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS
AND/OR PROHIBITION*

This original petition for a writ of mandamus and/or prohibition challenges a district court order denying a motion for summary judgment in a personal injury action.

This court has original jurisdiction to issue writs of mandamus and prohibition, and the issuance of such extraordinary relief is solely within this court's 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.

Having considered the petition, we are not persuaded that our extraordinary intervention is warranted. 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); *see Smith v. Eighth Judicial Dist. Court*, 113 Nev. 1343, 1344-45, 950 P.2d 280, 281 (1997) (recognizing that this court generally will not entertain writ petitions challenging the denial of a motion for summary judgment). Although this 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), petitioners have not demonstrated that an appeal from a final judgment below would not afford a plain, speedy, and adequate remedy, *see* NRS 34.170, or that the district court’s order otherwise falls within any of the narrow grounds that may warrant writ relief. Accordingly, we

ORDER the petition DENIED.

Stiglich, C.J.

Cadish, J.

Herndon, J.

cc: Hon. Jessica K. Peterson, District Judge
Gordon Rees Scully Mansukhani LLP/Reno
Boyack Law Group
Eighth District Court Clerk