

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD REMARK,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR  
THE COUNTY OF CLARK, AND THE  
HONORABLE THOMAS A. RITCHIE, JR.,  
DISTRICT JUDGE, FAMILY COURT  
DIVISION,

Respondents,

and

MARY LAFLIN,

Real Party in Interest.

No. 38259

**FILED**

**AUG 07 2001**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Remark*  
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR  
WRIT OF PROHIBITION, MANDAMUS, OR CERTIORARI

This original petition for a writ of prohibition, mandamus, or certiorari challenges an order of the district court granting real party in interest's motion to relocate with the minor child to New Mexico.

We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. In particular, it appears that petitioner has an adequate legal remedy in the form of an appeal.<sup>1</sup> A post-divorce order is appealable as a special order after final judgment if it

<sup>1</sup>See Guerin v. Guerin, 114 Nev. 127, 131, 953 P.2d 716, 719 (1998) abrogated on other grounds by Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 5 P.3d 569 (2000) (recognizing that an appeal is an adequate legal remedy); NRS 34.020 (providing that a writ of certiorari may issue only if there is no appeal or other adequate remedy); NRS 34.170 (stating that a writ of mandamus may only issue if there is no other adequate and speedy legal remedy); NRS 34.330 (indicating that a writ of prohibition may only issue if there is no adequate and speedy legal remedy).

affects the rights of the parties growing out of the final judgment.<sup>2</sup> Accordingly, we deny the petition.<sup>3</sup>

It is so ORDERED.<sup>4</sup>

Young J.  
Young

Leavitt J.  
Leavitt

Becker J.  
Becker

cc: Hon. T. Art Ritchie, Jr., District Judge,  
Family Court Division  
Lynn R. Shoen  
Kunin & Burton  
Clark County Clerk

---

<sup>2</sup>See Wilkinson v. Wilkinson, 73 Nev. 143, 311 P.2d 735 (1957); NRAP 3A(b)(2).

<sup>3</sup>See NRAP 21(b).

<sup>4</sup>In light of this order, we deny as moot petitioner's request for a stay. In addition, we note that petitioner has not satisfied the provisions of NRAP 8(a) for obtaining a stay. Specifically, petitioner has not shown that he applied to the district court for a stay or that application to the district court would not be practicable. See NRAP 8(a) (stating that generally, a stay must first be sought in the district court unless seeking such relief in the district court is not practicable); see also Fritz Hansen A/S v. Dist. Ct., 116 Nev. 650, 6 P.3d 982 (2000).