

IN THE SUPREME COURT OF THE STATE OF NEVADA

UNIVERSITY AND COMMUNITY
COLLEGE SYSTEM OF NEVADA,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
RONALD D. PARRAGUIRRE,
DISTRICT JUDGE,

Respondents,

and

RICHARD L. SUTTON,

Real Party in Interest.

No. 38514

FILED

OCT 18 2001

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This petition for a writ of mandamus challenges a district court order denying petitioner's motion to dismiss the entire complaint against it on summary judgment, or alternatively to dismiss two counts and to proceed solely upon judicial review of an administrative decision. On October 3, 2001, we entered an order directing the real party in interest to file an answer, on behalf of respondents, opposing the petition. On October 10, 2001, petitioner moved to stay the underlying action, which is currently set for a jury trial beginning October 29, 2001. On October 12, 2001, the real party in interest opposed the motion for a stay and requested that we vacate our order directing an answer, deny the writ petition and allow the matter to proceed to trial, since petitioner may appeal any adverse decision.

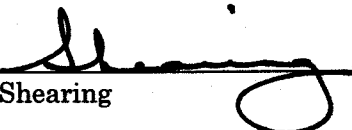
Having considered the petition and all documents submitted by the parties, we decline to exercise our discretion to consider this writ


01-17567

petition.¹ Furthermore, it appears that petitioner has a plain, speedy and adequate remedy in the ordinary course of the law, and that our intervention by way of extraordinary writ is not warranted.² Accordingly, we vacate our October 3, 2001 order directing an answer, and we deny the petition.³

It is so ORDERED.


_____, C.J.
Maupin


_____, J.
Shearing


_____, J.
Becker

cc: Hon. Ronald D. Parraguirre, District Judge
Bart J. Patterson
Law Office of Daniel Marks
Clark County Clerk

¹See Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997); State ex rel. Dep't Transp. v. Thompson, 99 Nev. 358, 662 P.2d 1338 (1983).

²See NRS 34.170.

³Our decision renders moot petitioner's motion for a stay and real party in interest's motion to dismiss the petition; we therefore deny the motions.