

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK DAGHER,

No. 38535

Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE, AND THE HONORABLE  
PETER I. BREEN, DISTRICT JUDGE,

**FILED**

OCT 11 2001

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

Respondents,

and

LINDSEY GAFFKE,

Real Party in Interest.

ORDER DENYING PETITION FOR

WRIT OF MANDAMUS OR PROHIBITION

This is an original petition for a writ of mandamus or prohibition challenging the district court's order enjoining petitioner from operating the business he had purchased from the real party in interest. We have considered the petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted.<sup>1</sup>

Accordingly, we deny the petition.<sup>2</sup> The motion for a stay is denied as moot.

It is so ORDERED.

*Young* J.  
\_\_\_\_\_  
Young

*Agosti* J.  
\_\_\_\_\_  
Agosti

*Leavitt* J.  
\_\_\_\_\_  
Leavitt

<sup>1</sup>See NRS 34.170; NRS 34.330; Karow v. Mitchell, 110 Nev. 958, 962, 878 P.2d 978, 981 (1994) (stating that a writ of mandamus or prohibition will not issue if the petitioner has a plain, speedy and adequate remedy in the ordinary course of the law, such as an appeal).

<sup>2</sup>See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

cc: Hon. Peter I. Breen, District Judge  
Carucci, Thomas & York  
Richard G. Hill  
Washoe County Clerk