

IN THE SUPREME COURT OF THE STATE OF NEVADA

SAXTON INCORPORATED, A NEVADA  
CORPORATION D/B/A SARATOGA  
LAND AND DEVELOPMENT,

No. 38817

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
KATHY A. HARDCASTLE, DISTRICT  
JUDGE,

Respondents,

and

HEAVY DUTY, LLC, A NEVADA  
LIMITED LIABILITY COMPANY,

Real Party in Interest.

**FILED**

DEC 04 2001

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

ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS

This is an original petition for a writ of mandamus challenging the district court's order striking petitioner's answer and counterclaim in a mechanic's lien and breach of contract action. We have considered the petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted. In particular, it appears that petitioner has a plain, speedy, and adequate remedy in the form of an appeal from the default judgment.<sup>1</sup>

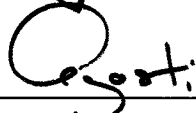
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<sup>1</sup>See NRS 34.170; Karow v. Mitchell, 110 Nev. 958, 878 P.2d 978 (1994).

Accordingly, we deny the petition.<sup>2</sup> The motions for a stay are denied as moot. We note that a stay can be requested in the context of any appeal from the default judgment.<sup>3</sup>

It is so ORDERED.

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Leavitt

cc: Hon. Kathy A. Hardcastle, District Judge  
Hutchison & Steffen  
Lee S. Molof  
Rooker Gibson & Later  
Clark County Clerk

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

<sup>3</sup>See NRAP 8.