

IN THE SUPREME COURT OF THE STATE OF NEVADA

HORSESHOE CLUB OPERATING
COMPANY, D/B/A BINION'S
HORSESHOE CLUB, A NEVADA
CORPORATION,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
GENE T. PORTER, DISTRICT JUDGE,
Respondents,
and
FREMONT STREET EXPERIENCE
LIMITED LIABILITY COMPANY, A
NEVADA LIMITED LIABILITY
COMPANY,
Real Party in Interest.

No. 39157

FILED

APR 09 2002

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

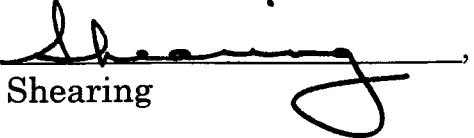
ORDER DENYING PETITION FOR WRIT OF MANDAMUS
OR PROHIBITION

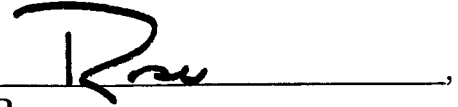
This is an original petition for a writ of mandamus or, in the alternative, prohibition challenging a district court order granting an application for a prejudgment writ of attachment. We have considered the petition, answer, and reply, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. In particular, we note that an adequate legal remedy may exist under NRS 31.040, which allows a defendant to post a bond in order to prevent the attachment.¹ At this time, petitioner has not demonstrated that this

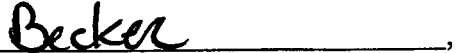
¹See Aronoff v. Katleman, 75 Nev. 424, 433, 345 P.2d 221, 225-26 (1959); NRS 20.030; see also NRS 34.170 and NRS 34.330 (providing that writ relief is unavailable when the petitioner has an adequate legal remedy).

remedy is inadequate. To the extent that petitioner raises an issue concerning its financial ability to post a bond, that issue would require this court to engage in fact-finding. An appellate court is not suited for such a task.² Likewise, petitioner's argument concerning the bond amount required from the real party in interest raises factual issues that are properly addressed in the district court. Accordingly, we deny this petition.³

It is so ORDERED.⁴

 _____, J.
Shearing

 _____, J.
Rose

 _____, J.
Becker

cc: Hon. Gene T. Porter, District Judge
Attorney General/Carson City
Dominic P. Gentile, Ltd.
Rands, South, Gardner & Hetey
Hale Lane Peek Dennison Howard & Anderson/Las Vegas
Clark County Clerk

²See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981) (noting that "an appellate court is not an appropriate forum in which to resolve disputed questions of fact").

³See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

⁴We vacate the temporary stay imposed by our February 8, 2002 order.