

IN THE SUPREME COURT OF THE STATE OF NEVADA

LINDA WINQUIST,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE T.  
ARTHUR RITCHIE, JR., DISTRICT  
JUDGE, FAMILY COURT DIVISION,  
Respondents,  
and  
STEVEN C. WINQUIST,  
Real Party in Interest.

No. 39881

FILED

AUG 20 2002

JANEITE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Pihlak*  
CHIEF DEPUTY CLERK

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

This original petition for a writ of mandamus, prohibition, or certiorari challenges a prospective district court order resolving real party in interest's motion to distribute the petitioner and real party in interest's property in the divorce proceeding in accordance with Alaska law.<sup>1</sup>

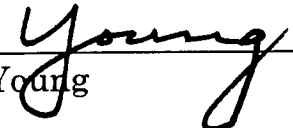
We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. In particular, it appears that petitioner will have an adequate legal

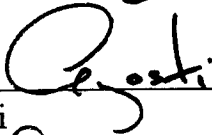
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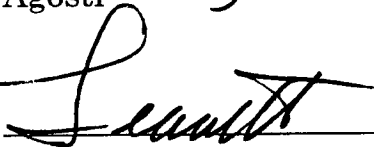
<sup>1</sup>It appears, based on the limited documents before this court, that the district court had not yet resolved real party in interest's motion to apply Alaska law at the time petitioner filed the instant petition.

remedy in the form of an appeal from the final divorce decree.<sup>2</sup> A final divorce decree is an appealable judgment, from which petitioner may appeal if she is aggrieved.<sup>3</sup> Accordingly, we deny the petition.<sup>4</sup>

It is so ORDERED.<sup>5</sup>

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

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

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

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<sup>2</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).

<sup>3</sup>See NRAP 3A(a) and (b)(1).

<sup>4</sup>See NRAP 21(b).

<sup>5</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 she 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).

cc: Hon. T. Arthur Ritchie Jr., District Judge, Family Court Division  
Lynn R. Shoen  
Wells & Herr  
Clark County Clerk