

IN THE SUPREME COURT OF THE STATE OF NEVADA

GEO'S CHICAGO EATERY, LLC, A
NEVADA LIMITED LIABILITY
COMPANY, D/B/A GEO'S CHICAGO
EATERY AND AMIGO'S GRILL
RESTAURANT; AMIGO'S GRILL, LLC,
A NEVADA LIMITED LIABILITY
COMPANY, D/B/A GEO'S CHICAGO
EATERY AND AMIGO'S GRILL
RESTAURANT; AND GEORGE J.
BUDD, AN INDIVIDUAL AND D/B/A
GEO'S CHICAGO EATERY AND
AMIGO'S GRILL RESTAURANT;
Petitioners,

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

FLAMINGO-DECATUR PARTNERS,
LLC, A NEVADA LIMITED LIABILITY
COMPANY,
Real Party in Interest.

No. 40012

FILED

NOV 12 2002

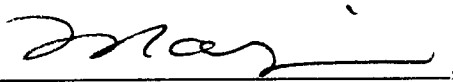
CAROL E. BLOCH
CLERK OF SUPREME COURT
J. R. R. R.
COURT CLERK

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

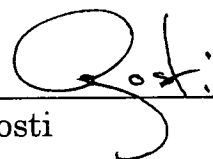
This original petition for a writ of mandamus or prohibition challenges a district court's refusal to set aside an evidentiary ruling. We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. The issuance of a writ is purely discretionary, and extraordinary relief will be

granted only in the absence of a plain, speedy and adequate remedy in the ordinary course of law.¹ Petitioners have an adequate legal remedy in this instance, as they have filed an appeal from the district court's order entering default judgment, and it appears that they may challenge the district court's ruling in that proceeding.² Accordingly, we

ORDER the petition DENIED.³


_____, C.J.
Maupin


_____, J.
Rose


_____, J.
Agosti

cc: Hon. Ronald D. Parraguirre, District Judge
Graham, Wilde, Harker & Boggess
Theresa M. Dowling, P.C.
Clark County Clerk

¹NRS 34.170; NRS 34.330; Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

²Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 971 P.2d 1251 (1998) (stating that on appeal from a final judgment, interlocutory orders entered before the judgment may be heard by the supreme court).

³See NRAP 21(b). Although petitioners did not file a proper motion for a stay, see NRAP 27(a), we additionally deny as moot petitioners' request for a stay.