

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT KALE SHAWHAN,  
Petitioner,

vs.

THE NINTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
DOUGLAS, AND THE HONORABLE  
DAVID R. GAMBLE, DISTRICT JUDGE,  
Respondents,  
and  
DONNA KNOLL SHAWHAN,  
Real Party in Interest.

No. 40499

FILED  
10/10/02

FILED 10/10/02

THE NINTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA  
DOUGLAS COUNTY  
*J. Richards*  
DISTRICT CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying petitioner's motion to change venue. A writ of mandamus is an extraordinary remedy that will not be granted if petitioner has a plain, speedy and adequate remedy in the ordinary course of law.<sup>1</sup> Generally, an appeal constitutes an adequate legal remedy.<sup>2</sup> An order granting or denying a motion to change venue is an appealable determination.<sup>3</sup> In fact, a party must appeal from such an order within

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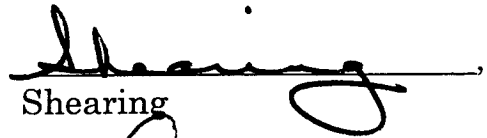
<sup>1</sup>NRS 34.170; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).


<sup>2</sup>Guerin v. Guerin, 114 Nev. 127, 953 P.2d 716 (1998).


<sup>3</sup>NRAP 3A(b)(2).

thirty days or the right becomes foreclosed.<sup>4</sup> Because petitioner could appeal from the order denying change of venue, we

ORDER the petition DENIED.

 \_\_\_\_\_, J.  
Shearing

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

 \_\_\_\_\_, J.  
Becker

cc: Hon. David R. Gamble, District Judge  
Gary E. Gowen  
Donna Knoll Shawhan  
Douglas County Clerk

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<sup>4</sup>NRAP 3A(b)(4).