

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOYCE E. GALANE AND MICHAEL
STEIN, ESQ.,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
VALERIE ADAIR, DISTRICT JUDGE,
Respondents,

and

JONATHAN A. GALANE; PALM
MORTUARY, INC., A NEVADA
CORPORATION; AND JAY POSTER,
Real Parties in Interest.

No. 41044

FILED

MAY 20 2003

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This original petition for a writ of mandamus challenges a district court order that awarded attorney fees to real party in interest Jonathan A. Galane for successfully bringing a motion for leave to amend his answer. Having considered the petition, answer and all supporting documents, we conclude that our intervention is not warranted.

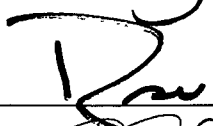
When petitioners have no plain, speedy and adequate remedy in the ordinary course of law,¹ a writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust or station,² or to control an arbitrary or capricious exercise

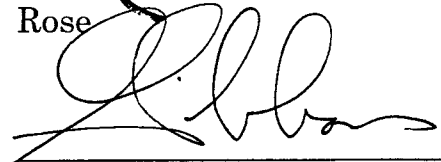
¹NRS 34.170.

²NRS 34.160.

of discretion.³ Here, neither petitioner qualifies for writ relief. Joyce E. Galane has an adequate remedy because she may appeal after entry of the final judgment if she is aggrieved. And the order is not directed at Joyce's attorney, Michael Stein, so he is not in need of any relief. Accordingly, we
ORDER the petition **DENIED**.


_____, C.J.
Agosti


_____, J.
Rose


_____, J.
Gibbons

cc: Hon. Valerie Adair, District Judge
Michael Stein & Associates, Ltd.
Lionel Sawyer & Collins/Las Vegas
Moran & Associates
Clark County Clerk

³See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).