

IN THE SUPREME COURT OF THE STATE OF NEVADA

FOUNDERS ACQUISITION &
MERGER, INC.,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
SALLY L. LOEHRER, DISTRICT
JUDGE,
Respondents,
and
SUSAN PENNY,
Real Party in Interest.

No. 41147

FILED

MAY 16 2003

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This petition for a writ of mandamus challenges a district court order staying petitioner's action to enforce a Texas judgment pending resolution of other litigation between the parties. We have reviewed the petition and supporting documents, and we conclude that our intervention by way of writ relief is not warranted. Petitioner has a plain, speedy and adequate remedy in the ordinary course of law that precludes the issuance of a writ of mandamus; petitioner may appeal under NRAP

3A(b)(1) from any final adverse decision entered in the underlying action.¹

Accordingly, we

ORDER the petition DENIED.²


_____, J.
Shearing


_____, J.
Leavitt


_____, J.
Becker

cc: Hon. Sally L. Loehrer, District Judge
Harmon & Shinn, Chtd.
Thomas J. Tanksley
Clark County Clerk

¹See NRS 34.170; Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 647-48 n.1, 5 P.3d 569, 570 n.1 (2000) (noting that an appeal is generally an adequate remedy).

²NRAP 21(b).