

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOE M. LAUB AND MELVIN LAUB,  
Petitioners,

vs.

THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE, AND THE HONORABLE  
JANET J. BERRY, DISTRICT JUDGE,  
Respondents,

and

JOAN POWERS, AS SPECIAL  
ADMINISTRATRIX OF THE ESTATE  
OF ED POWERS,  
Real Party in Interest.

No. 41537

**FILED**

JUN 24 2003

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This petition for a writ of mandamus challenges a district court order, entered May 12, 2003, which denied petitioners' motion for summary judgment and dismissal of a legal malpractice claim against them. The petition was filed June 9, 2003, and trial is set to begin June 23, 2003.

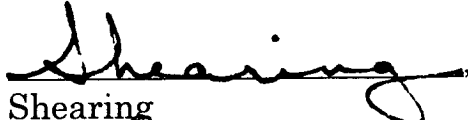
This court generally declines to consider writ petitions challenging orders denying motions to dismiss, and petitioners have not established any compelling reason to deviate from this policy.<sup>1</sup> Factual


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<sup>1</sup>Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997).

issues remain to be decided in the underlying action, and no clear authority obligates the district court to dismiss it.<sup>2</sup> Accordingly, we

ORDER the petition DENIED.<sup>3</sup>

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

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

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

cc: Hon. Janet J. Berry, District Judge  
Jeffrey A. Dickerson  
Law Offices of Terry A. Friedman, Ltd.  
Washoe District Court Clerk

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<sup>2</sup>The case upon which petitioners rely, Semenza v. Nevada Medical Liability Insurance Co., 104 Nev. 666, 765 P.2d 184 (1988), is distinguishable on its facts.

<sup>3</sup>See NRAP 21(b); NRS 34.170 (stating that a writ of mandamus may only issue when there is no plain, speedy and adequate remedy at law); 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).