

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES DILLON,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
VALORIE J. VEGA, DISTRICT JUDGE,
Respondents,

and

J. DAVID BURRESS,
Real Party in Interest.

No. 41573

FILED

SEP 24 2003

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

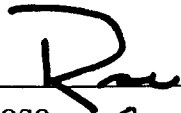
ORDER DENYING PETITION FOR WRIT OF PROHIBITION


This original petition for a writ of prohibition challenges a March 3, 2003 district court order that granted real party in interest's motion for relief from judgment under NRAP 60(b). We have reviewed the petition and conclude that our intervention is not warranted. In particular, we note that under NRAP 3A(b)(2), an appeal may be taken from any special order after final judgment. Under Gumm v. Mainor,¹ any post-judgment order that affects the rights or liabilities of a party is

¹118 Nev. ___, 59 P.3d 1220 (2002).

appealable as a special order after final judgment. An appeal is generally considered an adequate legal remedy precluding writ relief.² Additionally, writ relief is not available to correct an untimely notice of appeal.³ Consequently, we deny the petition.

It is so ORDERED.⁴


_____, J.
Rose


_____, J.
Leavitt


_____, J.
Maupin

cc: Hon. Valorie Vega, District Judge
William C. Turner & Associates
Christensen & Sondgeroth, Chtd.
Clark County Clerk

²Karow v. Mitchell, 110 Nev. 958, 962, 878 P.2d 978, 981 (1994); see NRS 34.330 (providing that a writ of prohibition may issue if there is no adequate and speedy legal remedy).

³See, e.g., Rim View Trout v. Dept. of Water Res., 809 P.2d 1155, 1156-57 (Idaho 1991); State v. Court of Appeals for Cuyahoga Cty., 564 N.E.2d 86, 88 (Ohio 1990).

⁴We note that counsel for real party in interest failed to respond to our directive regarding an answer to the writ petition. We caution counsel that his failure to follow this court's future orders could result in the imposition of sanctions.