

IN THE SUPREME COURT OF THE STATE OF NEVADA

LYDIA EDGMON AND DAVID  
EDGMON,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; THE HONORABLE NANCY M.  
SAITTA, DISTRICT JUDGE; AND THE  
HONORABLE DAVID WALL,  
DISTRICT JUDGE,

Respondents,

and

SHEMSEDIN LIBAN AND ACE CAB,  
INC.,

Real Parties in Interest.

No. 41652

**FILED**

SEP 05 2003

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

ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges a district court order dismissing petitioners' complaint for failure to timely post a non-resident plaintiffs' bond.<sup>1</sup> A petition for extraordinary relief is appropriate only when no plain, speedy or adequate remedy at law, such as an appeal, is available.<sup>2</sup> The order challenged in

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<sup>1</sup>See NRS 18.130.

<sup>2</sup>See NRS 34.170 (stating that writ of mandamus may only issue if there is no other plain, speedy and adequate remedy); NRS 34.330 (same for prohibition); 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)

this petition is an appealable final judgment.<sup>3</sup> We therefore conclude that extraordinary relief is not warranted, and

ORDER the petition DENIED.

Becker, J.  
Becker

Shearing, J.  
Shearing

Gibbons, J.  
Gibbons

cc: Hon. Nancy M. Saitta, District Judge  
Law Offices of Robert T. Knott, Jr.  
Hutchison & Steffen, Ltd.  
Clark County Clerk

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<sup>3</sup>See NRAP 3A(b)(1). It appears that petitioners filed an untimely notice of appeal well after the time provided in NRAP 4(a)(1). Writ relief is not available to correct an untimely notice of appeal. See, e.g., Rim View Trout v. Dept. of Water Res., 809 P.2d 1155, 1156 (Idaho 1991); State v. Court of Appeals for Cuyahoga Cty., 564 N.E.2d 86, 88 (Ohio 1990).