

IN THE SUPREME COURT OF THE STATE OF NEVADA

INTERNATIONAL FIDELITY
INSURANCE COMPANY,

Petitioner,

vs.

THE JUSTICE COURT OF LAS VEGAS
TOWNSHIP IN AND FOR THE
COUNTY OF CLARK,

Respondent.

No. 41653

FILED

JUL 23 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a notice from the Las Vegas Township Justice's Court requiring bail bond companies to use a standardized bail bond face sheet that designates the bail agent, rather than the defendant, as the principal on the bond.

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, or to control an arbitrary or capricious exercise of discretion.¹ A writ of mandamus will not issue, however, if petitioner has a plain, speedy and adequate remedy in the ordinary course of law.²

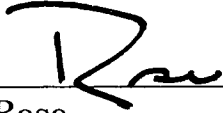
Petitioner has essentially asked this court to determine the legality of the justice's court's policy of requiring a standardized bail bond face sheet that designates the bail agent, rather than the defendant, as the principal on the bond. It appears, however, that this matter involves

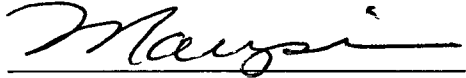
¹NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).


²NRS 34.170.

certain factual disputes, which this court is ill suited to resolve.³ As noted in Round Hill General Improvement District v. Newman,⁴ “[w]hen disputed factual issues are critical in demonstrating the propriety of a writ of mandamus, the writ should be sought in the district court, with appeal from an adverse judgment to this court.”⁵ Additionally, it appears that petitioner may seek declaratory relief at the district court level; thus petitioner may have a speedy and adequate remedy for this situation, which would preclude writ relief.⁶ Therefore we

ORDER the petition DENIED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Douglas

cc: Wadhams & Akridge
Clark County District Attorney David J. Roger/Civil Division

³Round Hill, 97 Nev at 604, 637 P.2d at 536.

⁴97 Nev. 601, 637 P.2d 534.

⁵Id. at 604, 637 P.2d at 536.

⁶See NRS 34.170.