

IN THE SUPREME COURT OF THE STATE OF NEVADA

EVA A. BOZARTH,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND, THE HONORABLE
KATHY A. HARDCASTLE, DISTRICT
JUDGE,
Respondents,
and
LEE K. HARTMAN, ESQ.
Real Party in Interest.

No. 41976

FILED

JAN 08 2004

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 adjudicating an attorney's lien. A writ of prohibition may issue only when there is no plain, speedy, and adequate remedy at law.¹ Similarly, a writ of mandamus will not issue if petitioner has a plain, speedy and adequate remedy in the ordinary course of law.² An appeal is generally an adequate remedy, precluding writ relief.³ Here, petitioner was a party to the underlying action, and had a right of appeal

¹NRS 34.330.


²NRS 34.170.


³See Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 647-48 n.1, 5 P.3d 569, 570 n.1 (2000).

from the district court's order. Thus, extraordinary relief is not available,⁴ and we deny the petition.

It is so ORDERED.


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Hon. Kathy A. Hardcastle, District Judge
Thomas F. Pitaro
Potter Law Offices
Christensen Law Offices, Chtd.
Clark County Clerk

⁴We note that petitioner voluntarily dismissed an appeal from the order challenged in this writ petition. See Bozarth v. Melatti, Docket No. 41852 (Order Dismissing Appeal, August 18, 2003).