

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN LANGON,
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, AND THE HONORABLE
JAMES W. HARDESTY, DISTRICT
JUDGE,

Respondents,

and

JULIA MATAMOROS,
Real Party in Interest.

No. 42056

FILED

OCT 03 2003

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order that denied a motion for summary judgment. 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,¹ or to control an arbitrary or capricious exercise of discretion.² Mandamus will not issue, however, if petitioner has a plain, speedy and adequate remedy at law.³ An appeal is generally an adequate legal remedy.⁴

¹See NRS 34.160.

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

³NRS 34.170.

⁴See Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 647-48 n.1, 5 P.3d 569, 570 n.1 (2000).

According to petitioner, the parties proceeded to a jury trial on August 25, 2003, and the jury eventually returned a verdict for the real party in interest. It appears that the petitioner has an adequate remedy in the form of an appeal, and the issues raised in the petition are more appropriately addressed in any appeal from final judgment.⁵ Accordingly, we deny the petition.⁶

It is so ORDERED.


_____, J.
Becker


_____, J.
Shearing


_____, J.
Gibbons

cc: Hon. James W. Hardesty, District Judge
E. Sue Saunders
Frank H. Roberts
Washoe District Court Clerk

⁵See Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 971 P.2d 1251 (1998) (stating that interlocutory orders may be heard on appeal from final judgment).

⁶See NRAP 21(b).