IN THE SUPREME COURT OF THE STATE OF NEVADA

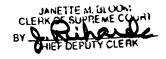
JAMES GASKETS, INC., A NEVADA CORPORATION; AND JAMES M. CLARK, AN INDIVIDUAL, Petitioners,

vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, AND THE HONORABLE
JANET J. BERRY, DISTRICT JUDGE,
Respondents,

and CARRIE FOOSE, Real Party in Interest. No. 42220



MAY 0 8 2004



ORDER DENYING PETITION FOR WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus challenges a district court order that denied a motion for summary judgment and a district court order that denied rehearing. Generally, this court will not exercise its discretion to consider writ petitions that challenge district court orders that deny motions for summary judgment. We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. Accordingly, we deny the petition.

AEME COURT OF NEVADA

¹Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997).

²See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). It appears that this court can review the district court's order denying summary judgment on direct appeal from any adverse final judgment. NRAP 3A(b)(1); see Consolidated Generator v. Cummins continued on next page...

It is so ORDERED.³

Becker,	\mathbf{J}
Becker	
Oost:	J.
Agosti	~
Gibbons	J

cc: Hon. Janet J. Berry, District Judge Littler Mendelson/Reno Lee T. Hotchkin Jr. Washoe District Court Clerk

REME COURT OF NEVADA

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

³In light of this order, we deny as moot petitioners' request for a stay.