

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

FILED

MAY 0 8 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 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.¹ 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.²

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 J.
Becker

Agosti J.
Agosti

Gibbons J.
Gibbons

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

... continued

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.