

IN THE SUPREME COURT OF THE STATE OF NEVADA

CITY OF HENDERSON,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
VALERIE ADAIR, DISTRICT JUDGE,
Respondents,

and

LOCAL GOVERNMENT EMPLOYEE-
MANAGEMENT RELATIONS BOARD,
AND STEVEN B. KILGORE,
Real Parties in Interest.

No. 42235

FILED

NOV 05 2003

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

ORDER DENYING PETITION FOR
WRIT OF PROHIBITION OR MANDAMUS


This original petition for a writ of prohibition or mandamus challenges a district court order that consolidated two related district court cases, enforced a preliminary injunction entered by the Employee-Management Relations Board, and denied a petition for a writ of prohibition or mandamus that challenged the EMRB's jurisdiction to grant injunctive relief, particularly preliminary injunctive relief. The district court certified its order denying the writ petition as a final judgment under NRCP 54(b).

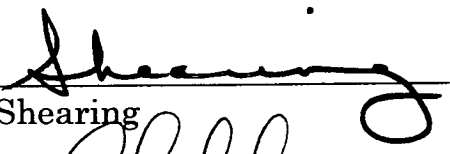
A writ of prohibition may issue only when there is no plain, speedy, and adequate remedy at law.¹ Similarly, a writ of mandamus will not issue if petitioner has a plain, speedy and adequate remedy in the

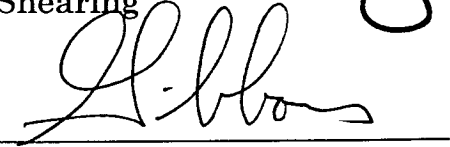
¹NRS 34.330.

ordinary course of law.² An appeal is generally an adequate remedy, precluding writ relief.³ Here, it appears that petitioner may appeal from the district court's certified order, and thus extraordinary relief is not available.⁴ Accordingly, we

ORDER the petition DENIED.


_____, J.
Becker


_____, J.
Shearing


_____, J.
Gibbons

cc: Hon. Valerie Adair, District Judge
William E. Cooper Law Offices
Attorney General Brian Sandoval/Las Vegas
Law Offices of Richard I. Dreitzer, Chtd.
Clark County Clerk

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).

⁴We note that it appears that the time in which a notice of appeal may be filed has not yet expired. See NRAP 4(a)(1). We deny petitioner's motion for a stay as moot in light of this order.