

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACK OWENS,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
DOUGLAS SMITH, DISTRICT
JUDGE,

Respondents,

and

GLENN SCHEPPS, ESQ.,

Real Party in Interest.

No. 56149

FILED

NOV 10 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order adjudicating an attorney's lien.

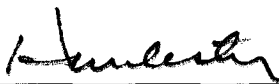
Initially, petitioner attempted to appeal from the attorney's lien order, asserting that it constituted a special order entered after final judgment, appealable under NRAP 3A(b)(8). See Owen v. Schepps, Docket No. 54745 (Notice of Appeal, October 14, 2009). This court subsequently entered an order dismissing that appeal, noting that because the district court's order adjudicating the attorney's lien was entered before the final judgment, it could not constitute a special order entered after final judgment. See id. (Order Dismissing Appeal, May 7, 2010). The order dismissing appeal further noted that even if this court construed petitioner's appeal as from the final judgment, within the context of which petitioner could have challenged the interlocutory order, see Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (providing that in the context of an appeal from a final judgment a party may properly challenge interlocutory orders), petitioner's notice of

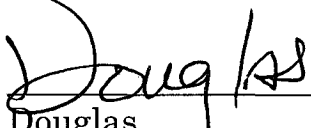
appeal was untimely. See Owens v. Schepps, Docket No. 54745 (Order Dismissing Appeal, May 7, 2010).

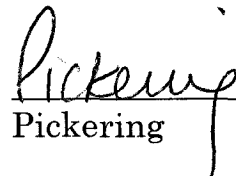
Petitioner subsequently filed this petition challenging the attorney's lien order. Having reviewed the petition, answer, and reply,¹ we are not persuaded that our intervention by way of extraordinary writ relief is warranted. See Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). A writ of mandamus will issue only when petitioner has no plain, speedy, and adequate legal remedy, NRS 34.170, and this court has consistently held that an appeal is generally an adequate legal remedy precluding writ relief. See Pan, 120 Nev. at 224, 88 P.3d at 841. Here, as demonstrated by this court's order dismissing petitioner's appeal, petitioner had an adequate legal remedy in the form of an appeal from the final judgment, within the context of which he could have challenged the interlocutory attorney's lien order. Consolidated Generator, 114 Nev. at 1312, 971 P.2d at 1256; see also Pan, 120 Nev. at 224-25, 88 P.3d at 841 (noting that writ relief is unavailable to cure an untimely notice of appeal).

Accordingly, we

ORDER the petition DENIED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

¹Petitioner's August 11, 2010, motion for an extension of time to file his reply is granted. The clerk of this court shall file the reply, provisionally received in this court on August 16, 2010.

cc: Hon. Doug Smith, District Judge
Law Offices of Richard McKnight, P.C.
Leavitt Law Firm
Eighth District Court Clerk