

IN THE SUPREME COURT OF THE STATE OF NEVADA

PERSHING COUNTY TOURISM
AUTHORITY; PERSHING COUNTY;
AND JAMES ROWE,
Petitioners,

vs.

THE SIXTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
PERSHING; AND THE HONORABLE
NOEL E. MANOUKIAN, DISTRICT
JUDGE,

Respondents,

and

BROOKS HOFFMAN,
Real Party in Interest.

No. 61579

FILED

OCT 09 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Angel*
DEPUTY CLERK


ORDER DENYING PETITION FOR WRIT OF PROHIBITION

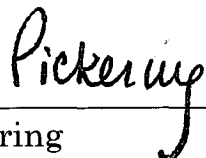
This original petition for a writ of prohibition challenges a district court order granting in part and denying in part a motion for summary judgment in a tort action.

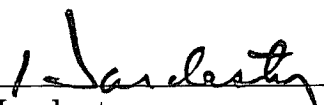
This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the jurisdiction of the district court. NRS 34.320; Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Writ relief is generally not available, however, when the petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.170; NRS 34.330; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). And an appeal is generally an adequate legal remedy precluding writ relief. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

As trial in the underlying case is set to begin on January 29, 2013, and petitioners can challenge the summary judgment order as part of an appeal from any final judgment entered below if they are aggrieved by that judgment, Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (explaining that a party may challenge an interlocutory order in the context of an appeal from a final judgment); see also NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment), we deny the petition. NRAP 21(b); Smith v. District Court, 113 Nev. 1343, 1344, 950 P.2d 280, 281 (1997).

It is so ORDERED.


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Chief Judge, The Sixth Judicial District Court
Hon. Noel E. Manoukian, Senior Judge
Thorndal Armstrong Delk Balkenbush & Eisinger/Reno
Rick Lawton
Pershing County Clerk