

IN THE SUPREME COURT OF THE STATE OF NEVADA

KIMBERLY JONES,  
 Petitioner,  
 vs.  
 THE EIGHTH JUDICIAL DISTRICT  
 COURT OF THE STATE OF NEVADA,  
 IN AND FOR THE COUNTY OF  
 CLARK; AND THE HONORABLE  
 GAYLE NATHAN, DISTRICT JUDGE,  
 Respondents,  
 and  
 FLETCHER JONES, JR.,  
 Real Party in Interest.

No. 65061 ✓

**FILED**

FEB 17 2015

TRACIE K. LINDEMAN  
 CLERK OF SUPREME COURT  
 BY *[Signature]*  
 DEPUTY CLERK

KIMBERLY JONES,  
 Appellant,  
 vs.  
 FLETCHER JONES, JR.,  
 Respondent.

No. 66632

*ORDER*

Docket No. 65061 is a petition for a writ of mandamus or prohibition seeking to vacate a district court order compelling disclosure of allegedly privileged documents. Docket No. 66632 is an appeal from the final district court judgment in the same underlying case. Real party in interest/respondent Fletcher Jones (Fletcher) has moved to dismiss the writ proceeding because petitioner/appellant Kimberly Jones (Kimberly) now has an adequate remedy at law in the form of an appeal from the final judgment. Kimberly opposed the motion and Fletcher replied.

15-05151

Writ relief is available where there is no plain, speedy, and adequate remedy in the ordinary course of law, NRS 34.170; NRS 34.330, and the right to an appeal is generally an adequate legal remedy precluding writ relief. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). A final judgment has been entered in the district court case underlying these matters, and Kimberly has exercised her right to appeal that final judgment. Kimberly therefore has an adequate remedy at law in the form of that appeal, in which the issues raised in the petition can be addressed.<sup>1</sup> Accordingly, we grant Fletcher's motion and dismiss the petition in Docket No. 65061.<sup>2</sup>

In Docket No. 66632, Kimberly has also filed a motion to file a motion for stay that exceeds the applicable page limits. NRAP 27(d)(2). No good cause appearing, we deny the motion. Accordingly, we also deny as moot the motion to file under seal an appendix accompanying the

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<sup>1</sup>Indeed, in her opposition to the motion to dismiss, Kimberly states that the subject of the writ petition "will be one subject of Kimberly's pending appeal."

<sup>2</sup>As the writ proceeding is dismissed, we deny Kimberly's motion to consolidate it with the appeal. Further, because the need for a stay of disclosure of the allegedly privileged documents appears to have abated in light of the underlying trial having concluded without their disclosure, we dissolve the stay entered in this court's July 25, 2014, order in Docket No. 65061. Finally, we grant Kimberly's request to defer oral argument to the extent that we vacate our January 28, 2015, order in Docket No. 65061 regarding the scheduling of oral argument.

motion. The clerk shall return, unfiled, the motion for stay pending appeal and the appendix to appellant's motion for stay pending appeal, both received on February 2, 2015.

It is so ORDERED.

Hardesty, C.J.  
Hardesty

Douglas, J.  
Douglas

Cherry, J.  
Cherry

cc: Hon. Gayle Nathan, District Judge  
Pecos Law Group  
Lewis Roca Rothgerber LLP/Las Vegas  
Kolodny Law Group  
Black & LoBello  
Wasser, Cooperman & Carter  
Jimmerson Hansen  
Seastrom & Seastrom  
Lemons, Grundy & Eisenberg  
Eighth District Court Clerk