

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM H. ASKWITH,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK, AND THE
HONORABLE MARK W. GIBBONS,
DISTRICT JUDGE,

Respondents,

and

VICTOR LEE MILLER, GREGORY PICARD,
AND TYLER TRANSPORTATION,

Real Parties in Interest.

No. 37770

FILED

MAY 07 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION
FOR WRIT OF PROHIBITION

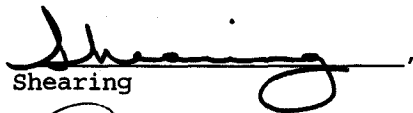
This is an original proper person petition for a writ of prohibition challenging an order enforcing an attorney's lien and entering judgment for attorney fees and costs. A writ of prohibition may issue to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the court's jurisdiction.¹ A writ will not issue, however, if petitioner has a plain, speedy and adequate remedy in the ordinary course of law.² Our review of the petition indicates that petitioner may appeal from the

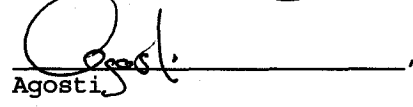
¹NRS 34.320.


²NRS 34.330.

written order entered on April 5, 2001.³ Accordingly, we deny the petition.⁴

It is so ORDERED.⁵


_____, J.
Shearing


_____, J.
Agosti


_____, J.
Rose

cc: Hon. Mark W. Gibbons, District Judge
Perry & Spann
Victor Lee Miller
William H. Askwith
Clark County Clerk

³See Hickey v. District Court, 105 Nev. 729, 782 P.2d 1336 (1989) (stating that an appeal is an adequate legal remedy); Gordon v. Stewart, 74 Nev. 115, 324 P.2d 234 (1958) (considering an appeal from a personal judgment entered against client for attorney fees).

⁴See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

⁵We note that the notice of entry of the April 5, 2001 order was served by mail upon petitioner on April 10, 2001. Thus, a notice of appeal from the April 5, 2001 order may still be timely if filed in the district court by May 14, 2001. See NRAP 4(a); NRAP 26.