

ENTRY ORDER

NOV 15 2011

SUPREME COURT DOCKET NO. 2011-391

NOVEMBER TERM, 2011

Green Mountain Power Corp.

v.

Donald Nelson & Shirley Nelson

} APPEALED FROM:  
}  
}  
}


} Superior Court, Orange Unit, Civil  
}  
} Division  
}

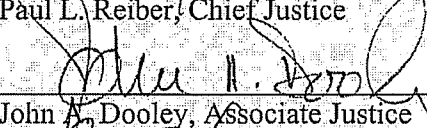
} DOCKET NO. 256-10-11 Oscv


In the above-entitled cause, the Clerk will enter:

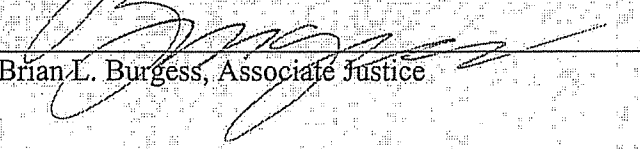
Petitioners filed a petition for extraordinary relief in this Court seeking to dissolve a preliminary injunction, which precludes petitioners from entering an area of their land during periods when Green Mountain Power (GMP) is conducting blasting on adjacent land. Petitioners argue that the injunction amounts to an abuse of the superior court's power and therefore they are entitled to extraordinary relief in the nature of mandamus. To be entitled to relief under V.R.A.P. 21, a party must show that there is no adequate remedy by appeal or by proceedings for extraordinary relief in the superior court. See Richardson v. City of Rutland, 164 Vt. 422, 424 (1995) (explaining that mandamus may be used to compel an administrative officer to act "in the absence of other adequate legal remedy" (quotation omitted)). Petitioners have pending motions to reconsider and for interlocutory appeal in the trial court. Given that petitioners can pursue these other avenues of relief, the petition for extraordinary relief is denied.

BY THE COURT:

  
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Paul L. Reiber, Chief Justice

  
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John A. Dooley, Associate Justice

  
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Marilyn S. Skoglund, Associate Justice

  
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Brian L. Burgess, Associate Justice