NOTE: This order is nonprecedential.

United States Court of Appeals for the Federal Circuit

IN RE ELIZABETH TU HOFFMAN, EXECUTOR OF THE ESTATE OF H. ROWE HOFFMAN,
Petitioner.

Miscellaneous Docket No. 979

On Petition for a Writ of Mandamus to the United States District Court for the Western District of Washington, Case No. 06-CV-5367, Judge Benjamin H. Settle.

ON PETITION

Before GAJARSA, MAYER, and PROST, *Circuit Judges.*

GAJARSA, *Circuit Judge.*

ORDER

Elizabeth Tu Hoffman, the executor of the estate of defendant H. Rowe Hoffman, petitions for a writ mandamus to direct the United States District Court for the Western District of Washington to vacate its March 3, 2011 order denying her motion to dismiss and/or transfer due to lack of personal jurisdiction.

A party must ordinarily wait until final judgment has issued before seeking appellate review of interlocutory

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orders. *See Bankers Life & Cas. Co. v. Holland*, 346 U.S. 379, 383 (1953) ("[I]t is established that the extraordinary writs cannot be used as substitutes for appeals . . . even though hardship may result from delay and perhaps unnecessary trial.") A party who seeks a writ bears the burden of proving that it has no other means of attaining the relief desired, *Mallard v. U.S. Dist. Court for the Southern Dist. of Iowa*, 490 U.S. 296, 309 (1989), and that the right to issuance of the writ is "clear and undisputable." *Allied Chem. Corp. v. Daiflon, Inc.*, 449 U.S. 33, 35 (1980).

Because the petitioner has not shown that review on appeal after final judgment is not an adequate means of obtaining review of the district court's rulings in this case, we deny this petition.

Accordingly,

IT IS ORDERED THAT:

The petition is denied.

FOR THE COURT

MAY 27 2011
Date

/s/ Jan Horbaly
Jan Horbaly
Clerk

cc: Arthur H. Schlemmer, Esq.
Paul Thomas Meiklejohn, Esq.

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