

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOEL M. GRISHAM, M.D.,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
RONALD D. PARRAGUIRRE,
DISTRICT JUDGE,
Respondents,
and
FREDA GARRY AND JOHN GARRY,
Real Parties in Interest.

No. 44000

FILED

NOV 15 2004

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges a district court order that denied petitioner's motion for summary judgment.

Generally, this court will not exercise its discretion to consider writ petitions challenging district court orders that deny motions to dismiss or motions for summary judgment, unless no disputed factual issues exist, and pursuant to clear authority under a statute or rule, the district court is obligated to dismiss the action or enter summary judgment.¹

¹Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997).

We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. Accordingly, we deny the petition.²

It is so ORDERED.

Becker, J.
Becker

Agosti, J.
Agosti

Gibbons, J.
Gibbons

cc: Hon. Ronald D. Parraguirre, District Judge
Bonne, Bridges, Mueller, O'Keefe & Nichols
Law Office of Daniel Marks
Clark County Clerk

²See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). We note that it appears that we can review the district court's denial of petitioner's motion for summary judgment on direct appeal from any adverse final judgment. NRAP 3A(b)(1); see Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 971 P.2d 1251 (1998) (stating that interlocutory orders may be heard on appeal from final judgment).