

IN THE SUPREME COURT OF THE STATE OF NEVADA

VALLEY HEALTH SYSTEM, LLC,  
D/B/A VALLEY HOSPITAL MEDICAL  
CENTER,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
MICHAEL CHERRY, DISTRICT  
JUDGE,  
Respondents,  
and  
MARY MARTIN, AS SPECIAL  
ADMINISTRATRIX OF THE ESTATE  
OF HENRY MARTIN,  
Real Party in Interest.

No. 45261

**FILED**

NOV 03 2005

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


ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order that denied a motion to dismiss.


Petitioner argues that the district court should have dismissed the real party in interest's malpractice case for failure to comply with NRS 41A.071. Notably, the real party in interest's complaint is based on

Nevada's medical res ipsa loquitor statute.<sup>1</sup> In light of our recent opinion in Szydel v. Markman,<sup>2</sup> we deny this petition.

It is so ORDERED.

  
Maupin J.

  
Gibbons J.

  
Hardesty J.

cc: Hon. Michael A. Cherry, District Judge  
Alverson Taylor Mortensen Nelson & Sanders  
D. Lanny Waite  
Clark County Clerk

---

<sup>1</sup>NRS 41A.100.

<sup>2</sup>Szydel v. Markman, 121 Nev. \_\_\_, 117 P.3d 200 (2005) (holding that NRS 41A.071's expert affidavit requirement does not apply to claims brought pursuant to NRS 41A.100).