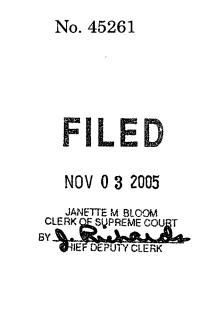
IN THE SUPREME COURT OF THE STATE OF NEVADA

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.



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

05-21667

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

It is so ORDERED.

laun' J. Maupin J.

Gibbons

J. Hardesty

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

¹NRS 41A.100.

²Szydel 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).

SUPREME COURT OF NEVADA