

IN THE SUPREME COURT OF THE STATE OF NEVADA

CATHOLIC HEALTHCARE WEST, D/B/A  
ST. ROSE DOMINICAN HOSPITAL - SIENA  
CAMPUS,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT  
OF THE STATE OF NEVADA, IN AND FOR  
THE COUNTY OF CLARK, AND THE  
HONORABLE VALERIE ADAIR, DISTRICT  
JUDGE,

Respondents,

and

HEIDI M. DANIELS; ALAN G. DANIELS;  
RAFAEL G. JUAREZ, M.D.; AND GARLAND  
COWAN, M.D.,  
Real Parties in Interest.

No. 45559

**FILED**

NOV 03 2005

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

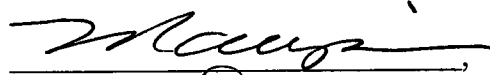
ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS

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

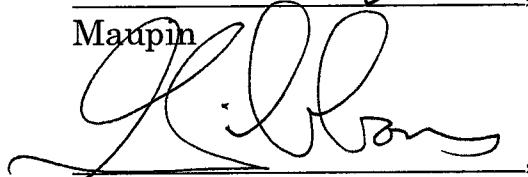
Petitioner argues that the district court should have dismissed the real parties in interest's malpractice case for failure to comply with NRS 41A.071. Notably, the real parties in interest's complaint is based on

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.

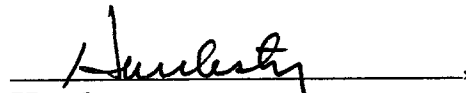
It is so ORDERED.

 J.

Maupin

 J.

Gibbons

 J.

Hardesty

cc: Hon. Valerie Adair, District Judge  
Carroll, Kelly, Trotter, Franzen & McKenna  
Charles LoBello Law Offices  
Garland Cowan M.D.  
Rafael G. Juarez M.D.  
Clark County Clerk

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<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).