

IN THE SUPREME COURT OF THE STATE OF NEVADA

AMERICAN DRUG STORES, INC., A
FOREIGN CORPORATION, DOING
BUSINESS IN THE STATE OF
NEVADA AS SAV-ON PHARMACY
#8784 AND SCOTT SILBER, R. PH., A
NEVADA LICENSED PHARMACIST,
Petitioners,

vs.

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

Respondents,

and

DEBRA MOORE, INDIVIDUALLY AND
AS SPECIAL ADMINISTRATRIX AND
HEIR OF THE ESTATE OF MATHEW
R. MOORE, DECEASED,
Real Party in Interest.

No. 45887

FILED

SEP 23 2005

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This original petition for a writ of mandamus challenges a district court order affirming the discovery commissioner's recommendation that petitioners' motion for leave to reopen discovery to allow inspection of evidence be denied.

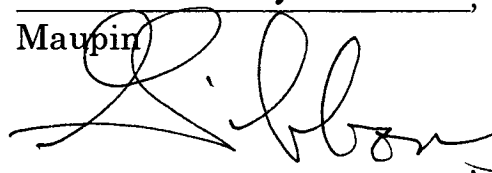
Writ relief is an extraordinary remedy that will only issue at the discretion of this court.¹ A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from

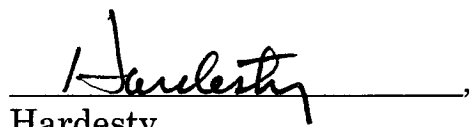
¹Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

an office, trust or station, or to control a manifest abuse of discretion.² This court will generally not entertain an extraordinary writ challenging a discovery order.³ There are, however, two exceptions to this rule.⁴ This court may consider entertaining a petition for a writ that challenges an order of the district court that either (1) is a blanket discovery order without regard to relevance, or (2) compels the disclosure of privileged information.⁵ It appears that neither of these exceptions applies in this case. Accordingly, this court's intervention by way of extraordinary relief is not warranted, and we deny the petition.⁶

It is so ORDERED.


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Hardesty

²See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981).

³Clark County Liquor v. Clark, 102 Nev. 654, 730 P.2d 443, (1986).

⁴Id.

⁵Id.

⁶See NRAP 21(b); Smith, 107 Nev. 674, 818 P.2d 849.

cc: Hon. Michelle Leavitt, District Judge
Brady, Vorwerck, Ryder & Caspino
Mainor Eglet Cottle, LLP
Clark County Clerk