

IN THE SUPREME COURT OF THE STATE OF NEVADA

EDWARD N. FISHMAN, D.O.;
ADVANCED BACK CARE & FAMILY
MEDICAL CENTER, EDWARD N.
FISHMAN, D.O., A NEVADA
CORPORATION; AND ADVANCED
BACK PAIN INSTITUTE - EDWARD N.
FISHMAN, D.O., A NEVADA
CORPORATION,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
VALORIE J. VEGA, DISTRICT JUDGE,
Respondents,
and
RICK PETRONE,
Real Party in Interest.

No. 46018

FILED

SEP 30 2005

JANE E. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
SEP 29 2005

ORDER DENYING PETITION FOR WRIT OF MANDUMUS

This original petition for a writ of mandamus purports to challenge a district court order that denied petitioners' motion for summary judgment. Petitioners request that we compel the district court to grant their motion for summary judgment and that we stay the October 3, 2005 trial. Petitioners, however, have not provided us with a written order denying their summary judgment motion but, instead, assert that a "transcript of [] Judge Vega's actual remarks has been requested" and will be forthcoming. Thus, although we recognize that the lack of a written order and transcript is a consequence of the short amount of time that has lapsed since the court ruled on the summary judgment motion, we have nothing upon which to base an order to compel the district court to act in the manner that petitioners have requested, and conclude that

extraordinary relief is not warranted.¹ Regardless of this defect, we note that, with limited exceptions, we generally will not exercise our discretion to consider writ petitions that challenge district court orders denying motions to dismiss or for summary judgment.² Based upon the documents before us, this petition does not warrant an exception. Accordingly, we

ORDER the petition DENIED.³

Becker, C.J.
Becker

Douglas, J.
Douglas

Parraguirre, J.
Parraguirre

¹See NRAP 21(a) (imposing, upon the party seeking writ relief, a duty to provide “a statement of the facts necessary to an understanding of the issues presented by the application . . . and copies of any order . . . or parts of the record which may be essential to an understanding of the matters set forth in the petition”); Pan v. Dist. Ct., 120 Nev. 222, 229, 88 P.3d 840, 844 (2004) (noting that we have no way of properly evaluating a petition that is not accompanied by essential information); see also State, Div. Child & Fam. Servs. v. Dist. Ct., 120 Nev. 445, 92 P.3d 1239 (2004) (determining that non-administrative orders are required to be written, signed, and filed before they are effective).

²State ex rel. Dep’t Transp. v. Thompson, 99 Nev. 358, 662 P.2d 1338 (1983); Smith v. District Court, 113 Nev. 1343, 1344, 950 P.2d 280, 281 (1997).

³In light of this order, we deny as moot petitioners’ request to stay the trial.

cc: Hon. Valorie J. Vega, District Judge
Pico, Escobar & Rosenberger, Ltd.
Potter Law Offices
Clark County Clerk