

IN THE SUPREME COURT OF THE STATE OF NEVADA

NANCY DONAHOE, M.D.; WILLIAM J. CAVIN, JR., M.D., AND ROBERT E. HENRY, M.D., D/B/A CARDIOVASCULAR SURGERY OF SOUTHERN NEVADA; AND CARDIOVASCULAR SURGICAL SERVICES, LLP,  
Petitioners,

vs.

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

Respondents,

and

ALLEN J. TREISE AND KAREN TREISE,  
Real Parties in Interest.

No. 48964

FILED

MAR 13 2007

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 denying petitioners' summary judgment motion. According to petitioners, the district court is required to enter judgment in their favor because the underlying action was commenced after the NRS 41A.097 limitation period expired.

A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station,<sup>1</sup> or to control a manifest abuse of discretion.<sup>2</sup> Mandamus is an extraordinary remedy, and it is within this court's discretion to determine

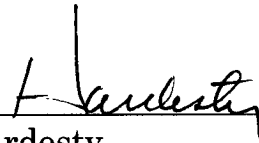
<sup>1</sup>See NRS 34.160.

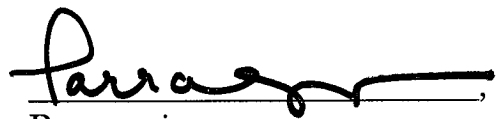
<sup>2</sup>See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

if a petition will be considered.<sup>3</sup> And unless no disputed factual issues remain and summary judgment is clearly required by a statute or rule, or an important issue of law requires clarification, this court will not exercise its discretion to consider writ petitions that challenge district court orders denying summary judgment motions.<sup>4</sup> Instead, an appeal from any adverse final judgment provides an adequate legal remedy, precluding writ relief.<sup>5</sup>

Upon consideration of the petition and supporting documents, we are not satisfied that this court's intervention by way of extraordinary relief is warranted. Accordingly, we deny the petition.<sup>6</sup>

It is so ORDERED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Douglas

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<sup>3</sup>Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

<sup>4</sup>Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997).

<sup>5</sup>See Pan v. Dist. Ct., 120 Nev. 222, 88 P.3d 840 (2004).

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

cc: Hon. Elizabeth Halverson, District Judge  
Nathan M. Costello  
John H. Cotton & Associates, Ltd.  
Gerald I. Gillock, P.C.  
Eighth District Court Clerk