

IN THE SUPREME COURT OF THE STATE OF NEVADA

KATHERINE KEELEY, M.D., D.D.S.,
Petitioner,

vs.

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

Respondents,

and

BEVERLY SHARON HOLLIS AND
PAUL HOLLIS,
Real Parties in Interest.

No. 49016

FILED

APR 09 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 petitioner's motion to dismiss. According to petitioner, the district court is required to dismiss the underlying dental malpractice action because it 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,¹ or to control a manifest abuse of discretion.² Mandamus is an extraordinary remedy, and it is within this court's discretion to determine

¹See NRS 34.160.

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

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

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.⁶

It is so ORDERED.

Parraguirre, J.
Parraguirre

Hardesty, J.
Hardesty

Douglas, J.
Douglas

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

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

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

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

cc: Hon. Jackie Glass, District Judge
Tuverson & McBride
Mainor Eglet Cottle, LLP
Vannah & Vannah
Eighth District Court Clerk