

IN THE SUPREME COURT OF THE STATE OF NEVADA

R. D. PRABHU, M.D., AN INDIVIDUAL,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
DAVID WALL, DISTRICT JUDGE,
Respondents,

and

SHINEHOUSE & DUESING, A
NEVADA PARTNERSHIP AND RUMPH
& PEYTON, A NEVADA
PARTNERSHIP,
Real Parties in Interest.

No. 49397

FILED

MAY 14 2007

JANE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Bloom*
DEPUTY CLERK

ORDER DENYING PETITION FOR
WRIT OF PROHIBITION OR MANDAMUS

This original petition for a writ of prohibition or mandamus challenges district court orders denying partial summary judgment.

This court may issue a writ of mandamus to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion.¹ A writ of prohibition may be issued to compel a district court to cease performing acts beyond its legal authority.² Neither mandamus


¹NRS 34.160; Washoe County Dist. Attorney v. Dist. Ct., 116 Nev. 629, 5 P.3d 562 (2000).

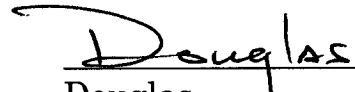
²NRS 34.320; Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

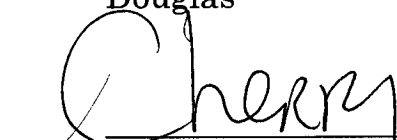
nor prohibition will issue when the petitioner has a plain, speedy, and adequate remedy at law.³ Because writs of mandamus and prohibition are extraordinary remedies, whether a petition will be considered is entirely within this court's discretion.⁴ In particular, in Smith v. District Court, we noted that we would generally deny petitions challenging orders denying motions to dismiss or for summary judgment, unless no factual disputes exist, and under clear authority dismissal is required or an important issue of law requires clarification.⁵

Having reviewed the petition and its attachments, we are not persuaded that our intervention by way of extraordinary relief is warranted, since factual disputes still exist to be resolved at trial. Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Maupin


_____, J.
Douglas


_____, J.
Cherry

³NRS 34.170; NRS 34.330

⁴Barnes v. District Court, 103 Nev. 679, 748 P.2d 483 (1987).

⁵113 Nev. 1343, 1345, 950 P.2d 280, 281 (1997).

cc: Hon. David Wall, District Judge
Hunterton & Associates
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Law Offices of Thomas D. Beatty
Rumph & Peyton
Eighth District Court Clerk