

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS METROPOLITAN POLICE  
DEPARTMENT HEALTH AND WELFARE  
TRUST; DAN R. WAGNON & ASSOCIATES  
A/K/A TRIDENT PLAN ADMINISTRATORS;  
AND BENEFIT PLANNERS LIMITED, LLC,  
D/B/A FISERV HEALTH, INC.,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA, IN  
AND FOR THE COUNTY OF CLARK, AND  
THE HONORABLE JOSEPH T.  
BONAVENTURE, DISTRICT JUDGE,

Respondents,

and

TABATHA KINGSLEY AND LEE  
KINGSLEY,

Real Parties in Interest.

No. 49413

**FILED**

**JUN 08 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' motion for partial judgment on the pleadings.

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.<sup>1</sup> But mandamus will not issue when the petitioners have a plain, speedy, and adequate remedy at law.<sup>2</sup> Also, because mandamus is

---

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

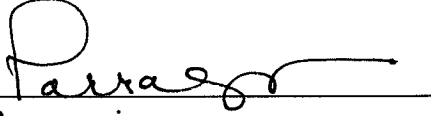
<sup>2</sup>NRS 34.170.

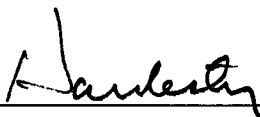
an extraordinary remedy, whether a petition will be considered is entirely within this court's discretion.<sup>3</sup>


This court will not exercise its discretion to consider petitions for extraordinary writ relief that challenge district court orders denying motions to dismiss or for summary judgment, unless no disputed factual issues exist and dismissal or summary judgment is clearly required by a statute or rule, or an important issue of law requires clarification.<sup>4</sup> Further, extraordinary writs are generally available only when our resolution of the legal question presented would affect all aspects of the underlying case.<sup>5</sup>

We have considered this petition, and we are not satisfied that our intervention by way of extraordinary relief is warranted. Accordingly, we

ORDER the petition DENIED.<sup>6</sup>

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

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

  
\_\_\_\_\_, J.  
Saitta

---

<sup>3</sup>Barnes v. District Court, 103 Nev. 679, 748 P.2d 483 (1987).

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

<sup>5</sup>Moore v. District Court, 96 Nev. 415, 610 P.2d 188 (1980).

<sup>6</sup>See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

cc: Chief Judge, Eighth Judicial District  
Hon. Joseph T. Bonaventure, Senior Judge  
Brownstein Hyatt Farber Schreck, P.C.  
Julie A. Mersch  
Eighth District Court Clerk