

IN THE SUPREME COURT OF THE STATE OF NEVADA

J. COREY BROWN, M.D. AND
FREMONT MEDICAL CENTER, LTD.

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
TIMOTHY C. WILLIAMS, DISTRICT
JUDGE,

Respondents,

and

SHARON HUDDLESTON AND
WILLIAM HUDDLESTON,
INDIVIDUALLY AND AS GUARDIANS
OF BRYCE W. HUDDLESTON, A
MINOR,

Real Parties in
Interest.

No. 49731

FILED

JUL 02 2007

MANETTE M. BLOOM
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF PROHIBITION
AND DENYING MOTION FOR STAY

This original petition for a writ of prohibition challenges a district court bench order denying petitioners' motion in limine. Specifically, petitioners seek to prohibit the district court from allowing counsel for the real parties in interest to elicit testimony concerning the personal practices or preferences of a defense expert when discussing the standard of care during the trial in the underlying medical malpractice case. Petitioners have also filed a motion seeking a stay of the district court proceedings until this court determines whether it will issue a writ of prohibition in this matter.

We have considered the petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. See NRAP 21(b). A writ of prohibition may be issued to compel a district court to cease performing acts beyond its legal authority. NRS 34.320; Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). A writ of prohibition will not issue when the petitioner has a plain, speedy and adequate remedy at law. NRS 34.330.

Petitioners have failed to demonstrate that the district court performed acts beyond its legal authority in denying petitioners' motion in limine. We note that the district court enjoys broad discretion in determining whether evidence should be admitted. Prabhu v. Levine, 112 Nev. 1538, 1548, 930 P.2d 103, 110 (1996). Further, we are informed that the trial is scheduled to begin immediately, if it has not already begun. Therefore, as it appears that petitioners may pursue a direct appeal from any final judgment in the case below, and that such an appeal is an adequate remedy at law, extraordinary relief is not warranted. Accordingly, we deny the petition. Further, as we have denied the petition, we deny the motion for stay as moot.

It is so ORDERED.

1- Jardesty, J.

Larrazo, J.

Douglas, J.

cc: Honorable Timothy C. Williams, District Judge
Patton Shea & Kiraly
Kummer Kaempfer Bonner Renshaw & Ferrario/Las Vegas
Eighth District Court Clerk