

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM MISHLER, M.D.,
Petitioner,

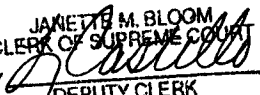
vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, AND THE HONORABLE
ROBERT H. PERRY, DISTRICT JUDGE,
Respondents,
JOHN BARRERA; THOMAS SANDERS,
M.D.; THOMAS SANDERS, M. D.,
LTD.; AND NORTHERN NEVADA
EMERGENCY PHYSICIANS,
Real Parties in
Interest.

No. 49782

FILED

JUL 12 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

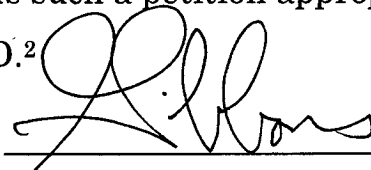
This original petition for a writ of mandamus or prohibition challenges district court orders regarding post-trial motions in the underlying medical malpractice action. We have considered the petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. See NRAP 21(b).

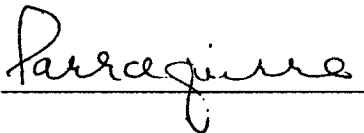
In part, petitioner challenges the district court's directive to produce certain documents for *in camera* review by 5:00 p.m. on July 12, 2007. In its order addressing this issue, the district court states that petitioner "has made conclusory allegations that the requested materials are privileged and/or work product . . . [r]ather than to simply Order production to Plaintiffs, the Court will instead Order that all the requested materials be presented *in camera* to the Court." Therefore, it appears the district court plans to make further determinations with

respect to what documents actually will be provided to real parties in interest. Accordingly, we conclude that the petition is premature in this regard. Further, with respect to the other issues raised in the petition, it appears that petitioner has an adequate remedy at law by way of an appeal, and we are not persuaded that extraordinary relief is warranted. See Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (noting that whether to grant extraordinary relief is within this court's discretion).

Based on the foregoing, we deny the petition for a writ of mandamus or prohibition. This denial is without prejudice to petitioner's right to file a new petition for extraordinary relief after the district court enters an order with respect to its *in camera* review of the documents at issue, if petitioner deems such a petition appropriate.¹

It is so ORDERED.²


_____, J.


_____, J.


_____, J.

¹We expect that the district court will conduct its *in camera* review, and communicate its decision as to what documents petition must produce, as expeditiously as possible, in order to leave adequate time for petitioner to challenge such an order and for this court to consider such a challenge before the documents must be produced.

²Petitioner has also moved to stay all proceedings below pending our resolution of this writ petition. In light of the instant order, we deny the motion for stay as moot.

cc: Hon. Robert H. Perry, District Judge
Lemons Grundy & Eisenberg
Laxalt & Nomura, Ltd./Reno
Ned Miltenberg
Jerry H. Mowbray
Piscevich & Fenner
Washoe District Court Clerk