

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS T. LEE, 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  
VALORIE J. VEGA, DISTRICT JUDGE,  
Respondents,

and

DESIREE WHITE, INDIVIDUALLY  
AND AS SPECIAL ADMINISTRATOR  
FOR THE ESTATE OF YOLANDA  
CARRILLO, DECEASED; TRACY  
DAHL, AS SPECIAL ADMINISTRATOR  
FOR THE ESTATE OF YOLANDA  
CARRILLO, DECEASED; PATRICIA  
MESA, DAUGHTER OF YOLANDA  
CARRILLO; ERNESTINA HUYNH,  
DAUGHTER OF YOLANDA  
CARRILLO; ANGELINA BARNETT,  
DAUGHTER OF YOLANDA  
CARRILLO; VALLEY HOSPITAL  
MEDICAL CENTER, INC.; VALLEY  
HEALTH SYSTEM, LLC; UNIVERSAL  
HEALTH SERVICES, INC., A  
PENNSYLVANIA CORPORATION;  
AND MICHAEL SEIFF, M.D., AN  
INDIVIDUAL,  
Real Parties in Interest.

No. 49852

**FILED**

SEP 10 2007

JANEKTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *A. Alvarado*  
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 medical malpractice action because it was commenced after the NRS 41A.097 limitation period had 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,<sup>1</sup> or to control a manifest abuse of discretion.<sup>2</sup> Mandamus is an extraordinary remedy, and it is within our discretion to determine if a petition will be considered.<sup>3</sup> Generally, we will not exercise our discretion to consider writ petitions that challenge district court orders denying motions to dismiss unless no disputed factual issues remain and dismissal is clearly required by a statute or rule, or an important issue of law requires clarification.<sup>4</sup> Instead, an appeal from any adverse final judgment generally provides an adequate legal remedy, precluding writ relief.<sup>5</sup>

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.<sup>6</sup>

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<sup>1</sup>See NRS 34.160.

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

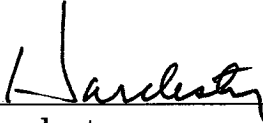
<sup>3</sup>Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

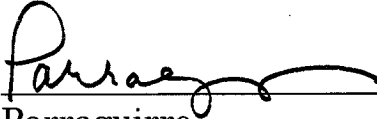
<sup>4</sup>Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997).

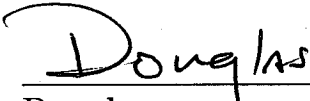
<sup>5</sup>See Pan v. Dist. Ct., 120 Nev. 222, 88 P.3d 840 (2004).

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

It is so ORDERED.<sup>7</sup>

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

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

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. Valorie Vega, District Judge  
Carroll, Kelly, Trotter, Franzen & McKenna  
Christensen Law Offices, LLC  
Hall, Prangle & Schoonveld, LLC/Las Vegas  
Lewis Brisbois Bisgaard & Smith, LLP  
Eighth District Court Clerk

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<sup>7</sup>We note that petitioner failed to comply with this court's August 8, 2007 notice of procedural deficiency, directing petitioner to provide proof of service of the affidavit required under NRS 34.170.