

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA MUTUAL INSURANCE
COMPANY,

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,

and

JOHN BARRERA; THOMAS SANDERS,
M.D., LTD.; NORTHERN NEVADA
EMERGENCY PHYSICIANS; AND
WILLIAM MISHLER, M.D.,
Real Parties in Interest.

No. 49984

FILED

AUG 10 2007

CLERK OF SUPREME COURT
DEPUTY CLERK

ORDER DENYING PETITION FOR
WRIT OF PROHIBITION OR MANDAMUS

This original petition for a writ of prohibition or mandamus challenges a district court order denying a motion for a protective order.

This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial function, when such proceedings are in excess of the district court's jurisdiction.¹ A writ of mandamus is available to compel the performance of an act that the law requires, or to control a manifest abuse or an arbitrary or capricious exercise of discretion.² Both prohibition and mandamus are extraordinary remedies, however, and whether a petition will be considered is within our

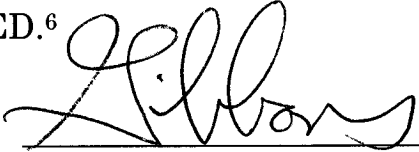
¹See NRS 34.320.

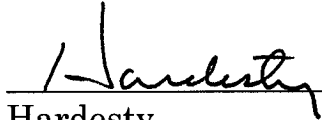
²See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

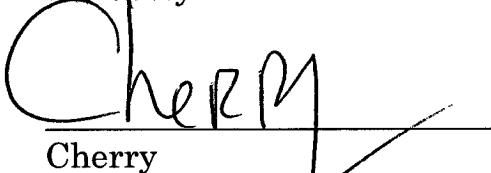
discretion.³ And to demonstrate that our intervention by way of extraordinary relief is warranted is petitioner's burden.⁴

Having considered this petition and its supporting documents, we are not persuaded that our intervention by way of extraordinary relief is warranted.⁵ Accordingly, we

ORDER the petition DENIED.⁶


_____, J.
Gibbons


_____, J.
Hardesty


_____, J.
Cherry

³See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

⁴Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

⁵NRAP 21(b); Smith, 107 Nev. 674, 818 P.2d 849. As we have previously indicated, in denying a petition challenging a substantially similar order entered in the same proceedings that underlie this petition, we expect that, following the district court's in camera review, the court will communicate its decision as to what documents petitioner must produce, as expeditiously as possible, to leave petitioner adequate time to challenge such an order, if necessary, and for this court to consider any such challenge before the documents must be produced. See Mishler v. Dist. Ct. (Barrera), Docket No. 49782 (Order Denying Petition, July 12, 2007).

⁶In light of this order, we deny as moot petitioner's motion for an emergency stay.

cc: Hon. Robert H. Perry, District Judge
Burton Bartlett & Glogovac
Luce, Forward, Hamilton & Scripps, LLP
Laxalt & Nomura, Ltd./Reno
Lemons Grundy & Eisenberg
Jerry H. Mowbray
Piscevich & Fenner
Washoe District Court Clerk