

IN THE SUPREME COURT OF THE STATE OF NEVADA

TIDA SALTZ, D.M.D.; AND TIDA K. L.
SALTZ, D.M.D., LTD., INDIVIDUALLY
AND D/B/A SERENITY DENTAL,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
JACKIE GLASS, DISTRICT JUDGE,
Respondents,
and
DEBRA ANN CUNETTO,
Real Party in Interest.

No. 50195

FILED

OCT 0 2 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY A. Alvarado
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT
OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges a district court order denying petitioners' summary judgment motion. According to petitioners, summary judgment is mandated in the underlying dental malpractice action because the action 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,¹ or to control a manifest abuse of discretion.² By contrast, a writ of prohibition may issue to confine the district court to the proper exercise of its prescribed jurisdiction when the court has acted in excess of its

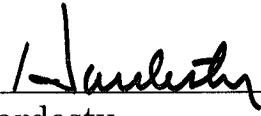
¹See NRS 34.160.

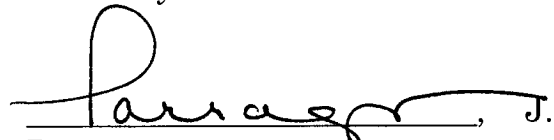
²See Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

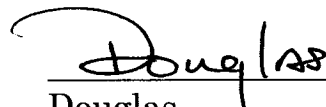
jurisdiction.³ Both mandamus and prohibition are extraordinary remedies, and it is within this court's discretion to determine if such petitions will be considered.⁴ Generally, we will not exercise our discretion to consider writ petitions that challenge district court orders denying summary judgment motions unless no disputed factual issues remain and summary judgment is clearly required by a statute or rule, or an important issue of law requires clarification.⁵ Instead, an appeal from any adverse final judgment generally provides an adequate legal remedy, precluding writ relief.⁶

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

ORDER the petition DENIED.⁷


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

³See NRS 34.320.

⁴Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

⁵Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997).

⁶See Pan v. Dist. Ct., 120 Nev. 222, 88 P.3d 840 (2004).

⁷See NRAP 21(b); Smith, 107 Nev. 674, 818 P.2d 849.

cc: Hon. Jackie Glass, District Judge
Lewis Brisbois Bisgaard & Smith, LLP
Victor Lee Miller
Eighth District Court Clerk