

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL ROBERTSON,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK, AND THE
HONORABLE DAVID BARKER, DISTRICT
JUDGE,

Respondents,

and

CARL HASSELL; CARLIS HASSELL; AND
OLD REPUBLIC INSURANCE COMPANY,
Real Parties in Interest.

No. 49950

FILED

MAR 06 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

MICHAEL ROBERTSON,
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vs.

THE EIGHTH JUDICIAL DISTRICT COURT
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CARL HASSELL AND CARLIS HASSELL,
Real Parties in Interest.

No. 50571

ORDER DENYING PETITIONS FOR
WRITS OF MANDAMUS OR PROHIBITION

These original petitions for writs of mandamus or prohibition challenge district court orders relating to discovery matters.

This court may issue a writ of mandamus 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 or an arbitrary or capricious exercise of discretion.² A writ of prohibition is available to remedy district court acts taken without or in excess of jurisdiction.³ Neither writ will issue, however, when the petitioner has a plain, speedy, and adequate remedy in the course of law, such as an appeal.⁴ Whether we will consider petitions for extraordinary relief is within our sole discretion.⁵

Because an appeal is usually an adequate and speedy means to remedy improper discovery, we generally decline to exercise our discretion to consider writ petitions that challenge discovery orders.⁶ Exceptions to this general policy apply, typically, only to prevent irreparable harm stemming from blanket discovery orders issued without regard to relevance and discovery orders requiring the disclosure of privileged information.⁷ For example, while a party usually may obtain

¹NRS 34.160; see also Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

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

³NRS 34.320; State of Nevada v. Dist. Ct. (Anzalone), 118 Nev. 140, 146-47, 42 P.3d 233, 237 (2002).

⁴NRS 34.170; NRS 34.330; Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2001) (recognizing that the right to appeal is generally an adequate legal remedy precluding writ relief).

⁵Smith, 107 Nev. at 677, 818 P.2d at 851.


⁶Clark County Liquor v. Clark, 102 Nev. 654, 659-60, 730 P.2d 443, 447 (1986).

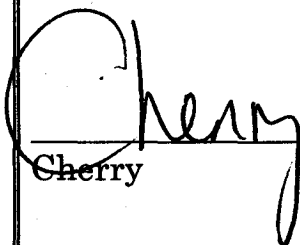
⁷Hetter v. District Court, 110 Nev. 513, 515, 874 P.2d 762, 763 (1994).

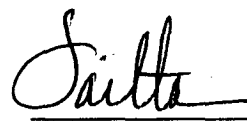
discovery of medical records relevant to an injury at issue in the case,⁸ we have granted writ relief to prevent the discovery of medical records that are not pertinent to the matter before the district court, reasoning that the “disclosure of irrelevant matter is irretrievable once made” and, thus, the disclosing party effectively would be deprived of any remedy if the party was unable to immediately contest the discovery order’s validity.⁹

Having considered these petitions, as well as the answers in Docket No. 49950, we conclude that our intervention by way of extraordinary relief is not warranted at this time. In particular, neither order challenged falls within one of the exceptions to our general policy of declining to exercise our discretion to review discovery orders by writ petition: the order recognizing that petitioner must sign a medical release once discovery commences does not appear to prevent petitioner from limiting disclosure to relevant matters only, and the order regarding the request for admissions does not appear to cause any irreparable injury. Accordingly, we deny the petitions.¹⁰

It is so ORDERED.


_____, J.
Maupin


_____, J.
Cherry


_____, J.
Saitta

⁸Schlatter v. District Court, 93 Nev. 189, 193, 561 P.2d 1342, 1343 (1977).

⁹Id. at 193, 561 P.2d at 1344.

¹⁰See Smith, 107 Nev. 674, 818 P.2d 849.

cc: Hon. David B. Barker, District Judge
Kenneth E. Pollock
Gentile & Howard
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Pyatt Silvestri & Hanlon
Eighth District Court Clerk