

IN THE SUPREME COURT OF THE STATE OF NEVADA

DIXIE CLEMENTS, AN INDIVIDUAL;
AND DIXIE CLEMENTS AS SPECIAL
ADMINISTRATRIX OF THE ESTATE
OF KENENTH CLEMENTS,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
VALERIE ADAIR, DISTRICT JUDGE,
Respondents,

and

ST. ROSE DOMINICAN HOSPITAL, A
NEVADA CORPORATION; AND
RAHUL DOSHI, M.D., AN
INDIVIDUAL,
Real Parties in Interest.

No. 51717

FILED

JUN 13 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges district court orders denying petitioner's motion for leave to file an amended complaint and granting real party in interest St. Rose Dominican Hospital's motion for declaratory judgment.

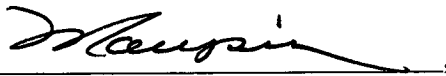
A writ of mandamus is available to compel the performance of an act that the law requires, or to control a manifest abuse of discretion.¹ Mandamus is an extraordinary remedy, however, and the decision to


¹See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

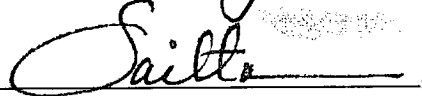
entertain such a petition is addressed to our sole discretion.² Dixie Clements, moreover, as petitioner, bears the burden of demonstrating that extraordinary relief is warranted.³

Having reviewed the petition and attached documentation in light of those principles, we are not satisfied that our extraordinary intervention is warranted. In particular, Clements failed to provide us with copies of the moving papers concerning each challenged order and a copy of the challenged order granting St. Rose's motion for declaratory judgment. Accordingly, we

ORDER the petition DENIED.⁴


_____, J.
Maupin


_____, J.
Cherry


_____, J.
Saitta

²See Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982).

³Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004); see also NRAP 21(a) (noting that an extraordinary writ petition "shall contain . . . copies of any order or opinion or parts of the record which may be essential to an understanding of the matters set forth in the petition").

⁴See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

cc: Hon. Valerie Adair, District Judge
Bellon & Maningo, Ltd.
Mortenson & Rafie, LLP
Alverson Taylor Mortensen & Sanders
Bonne, Bridges, Mueller, O'Keefe & Nichols
Eighth District Court Clerk