

IN THE SUPREME COURT OF THE STATE OF NEVADA

HEALTHSOUTH REHABILITATION
CENTER OF LAS VEGAS,

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

DARRY LIGHTEN, AS GUARDIAN AD
LITEM FOR TROY LIGHTEN; JESSIE
FOGLE, INDIVIDUALLY AND AS
GUARDIAN FOR MINORS; TIM AND
CHARLES LIGHTEN; AND TYZON CAT
LIGHTEN,

Real Parties in Interest.

No. 52300

FILED

SEP 23 2008

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order granting real parties in interest's motion for leave to file a second amended complaint in a medical malpractice action.

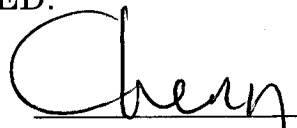
A writ of mandamus is available to compel the performance of an act that the law requires, or to control a manifest abuse of discretion.¹ Mandamus is an extraordinary remedy, however, and the decision to

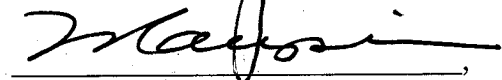
¹See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).


entertain such a petition is addressed to our sole discretion.² 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 persuaded that our intervention by way of extraordinary relief is warranted. Accordingly, we

ORDER the petition DENIED.⁴


_____, J.
Cherry


_____, J.
Maupin


_____, J.
Saitta

cc: Hon. Valerie Adair, District Judge
Jimmerson Hansen
D. Lanny Waite
Eighth District Court Clerk

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”).

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