

IN THE SUPREME COURT OF THE STATE OF NEVADA

KHAIR PASH FAZAL,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
SUSAN JOHNSON, DISTRICT JUDGE,  
Respondents,  
and  
SIERRA HEALTH AND LIFE  
INSURANCE COMPANY, INC.,  
Real Party in Interest.

No. 52437

**FILED**

OCT 02 2008

TRAGIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY H. Johnson  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order granting real party in interest's motion for summary judgment.

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, or to control a manifest abuse of discretion.<sup>1</sup> Mandamus is an extraordinary remedy and whether a petition for extraordinary relief will be considered is solely within our discretion.<sup>2</sup> Petitioner bears the burden of demonstrating that our intervention by way of extraordinary relief is

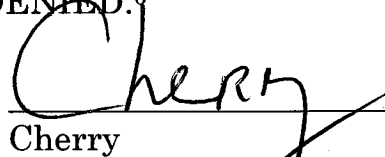
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<sup>1</sup>See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981).

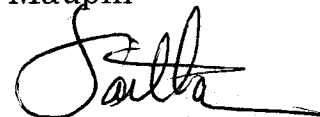
<sup>2</sup>See Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).

warranted,<sup>3</sup> which generally includes demonstrating that no plain, speedy, and adequate legal remedy exists.<sup>4</sup> Having considered the petition, we conclude that petitioner has a speedy and adequate legal remedy available in the form of an appeal from the final judgment in the underlying case.<sup>5</sup> Accordingly, we conclude that our intervention by way of extraordinary relief is not warranted, and we

ORDER the petition DENIED.<sup>6</sup>

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Susan Johnson, District Judge  
Jesse M. Sbaih & Associates, Ltd.  
Law Offices of Steven J. Parsons  
Hutchison & Steffen, Ltd.  
Eighth District Court Clerk

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<sup>3</sup>Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

<sup>4</sup>NRS 34.170.

<sup>5</sup>See Pan, 120 Nev. at 224, 88 P.3d at 841 (noting that an appeal is generally an adequate legal remedy precluding writ relief).

<sup>6</sup>Smith, 107 Nev. 674, 818 P.2d 849; NRAP 21(a).