

IN THE SUPREME COURT OF THE STATE OF NEVADA

PACIFICARE OF NEVADA, INC.;  
PACIFICARE LIFE AND HEALTH  
INSURANCE COMPANY; PACIFICARE  
LIFE ASSURANCE COMPANY;  
UNITED HEALTHCARE INSURANCE  
COMPANY; AND UNITED HEALTH  
GROUP, INC.,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
ALLAN R. EARL, DISTRICT JUDGE,

Respondents,

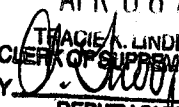
and

BEATRIZ REGIDOR AND AMADOR  
REGIDOR,

Real Parties in Interest.

No. 53462

**FILED**

APR 08 2009  
TRACIE A. LINDEMAN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges the district court's denial of petitioners' motion to dismiss the underlying action.

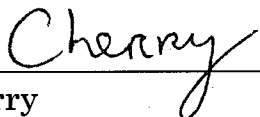
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control a manifest abuse of discretion. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). We may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320. Neither

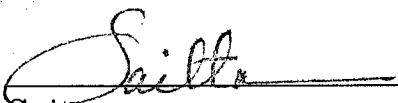
mandamus nor prohibition will issue when the petitioners have a plain, speedy, and adequate remedy at law. NRS 34.170; NRS 34.330. Both mandamus and prohibition are extraordinary remedies, and whether a petition for extraordinary relief will be considered is solely within our discretion. See Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioners' burden to demonstrate that our extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

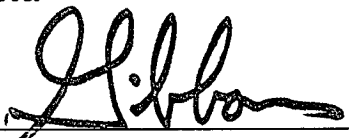
Having considered this petition, we are not satisfied that our intervention by way of extraordinary relief is warranted. Accordingly, we deny the petition.

See Smith, 107 Nev. at 677, 818 P.2d at 851; NRAP 21(b).

It is so ORDERED.

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

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

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Allan R. Earl, District Judge  
Bryan Cave LLP  
Jones Vargas/Las Vegas  
Gerald I. Gillock & Associates  
Matthew L. Sharp  
Eighth District Court Clerk