

IN THE SUPREME COURT OF THE STATE OF NEVADA

DONALD CARTER HANSEN, M.D.,  
INDIVIDUALLY, AND WILLIAM BEE  
RIRIE HOSPITAL,  
Petitioners,

vs.

THE SEVENTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA, IN  
AND FOR THE COUNTY OF WHITE PINE,  
AND THE HONORABLE STEVE L.  
DOBRESCU, DISTRICT JUDGE,  
Respondents,  
and  
ROBERT WADE GARDNER,  
INDIVIDUALLY, AND CAROL GARDNER,  
INDIVIDUALLY,  
Real Parties in Interest.

No. 54298

**FILED**

**SEP 09 2009**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying a motion to dismiss 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. NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). Mandamus is an extraordinary remedy, and whether a petition will be considered is within our sole discretion. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Mandamus will not issue when the petitioner has a plain, speedy, and adequate remedy at law, NRS 34.170, and we have consistently held that an appeal is generally an adequate legal remedy precluding writ relief. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

Having reviewed the petition and its supporting documents, we are not persuaded that writ relief is warranted. In particular, petitioner has an adequate remedy in the form of an appeal from any adverse final judgment. Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

Parraguirre, J.  
Parraguirre

Douglas, J.  
Douglas

Pickering, J.  
Pickering

cc: Hon. Steve L. Dobrescu, District Judge  
Mandelbaum, Schwarz, Ellerton & McBride  
Christiansen Law Offices  
White Pine County Clerk

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<sup>1</sup>We deny as moot petitioners' request to stay the district court proceedings.