

IN THE SUPREME COURT OF THE STATE OF NEVADA

DESERT CAB, INC., AND JEFFERY
WAYNE PRICE,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
KATHLEEN E. DELANEY, DISTRICT
JUDGE,

Respondents,

and

FLORENCE THOMSON, A/K/A
FLORENCE KEETON,
Real Party in Interest.

No. 54536

FILED

OCT 08 2009

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

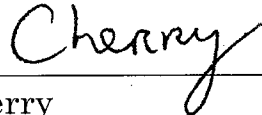
ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order granting real party in interest's request to disclose an expert witness after the close of discovery.

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. See NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981). Mandamus is an extraordinary remedy, and it is within our discretion to determine if a petition will be considered. Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). Although extraordinary writs are generally not available to review discovery orders, this court has issued such writs to prevent improper discovery in two situations—when the trial court issues a blanket discovery order without regard to relevance or the discovery order requires disclosure of privileged information. Clark

County Liquor v. Clark, 102 Nev. 654, 730 P.2d 443 (1986). As the discovery order at issue in this case does not fall under either of these exceptions, we conclude that our intervention by way of extraordinary relief is not warranted. Id. Accordingly, we order the petition denied. NRAP 21(b)(1); Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

It is so ORDERED.


_____, J.
Cherry


_____, J.
Douglas


_____, J.
Gibbons

cc: Hon. Kathleen E. Delaney, District Judge
Hutchison & Steffen, LLC
Richard Harris Law Firm
Eighth District Court Clerk