

IN THE SUPREME COURT OF THE STATE OF NEVADA

SOUTHERN NEVADA HEALTH
DISTRICT,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
MICHELLE LEAVITT, DISTRICT
JUDGE,

Respondents,

and

BEATRIZ REGIDOR, INDIVIDUALLY;
AND AMADOR REGIDOR,
INDIVIDUALLY, AND AS HUSBAND
AND WIFE; PACIFICARE OF NEVADA,
INC.; PACIFICARE LIFE AND
HEALTH INSURANCE COMPANY;
PACIFICARE LIFE ASSURANCE
COMPANY; AND UNITED
HEALTHCARE INSURANCE
COMPANY,
Real Parties in Interest.

No. 55886

FILED

MAY 27 2010

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

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION


This original petition for a writ of mandamus or prohibition challenges a district court order remanding a discovery dispute to a special master for further proceedings.


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 petitioner's burden to demonstrate that our

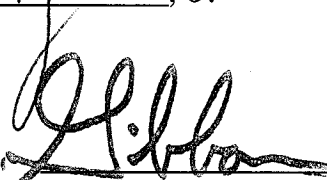
extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Apparently, since the petition was filed the special master has entered an order on remand regarding the discovery sought from petitioner. Under these circumstances, we conclude that our intervention by way of extraordinary relief is not warranted at this time, as petitioner can challenge the special master's ruling by filing an objection with the district court, which, should it prevail thereon, would eliminate the need for the extraordinary relief sought in this petition. Accordingly, we deny the petition. See Smith, 107 Nev. at 677, 818 P.2d at 851; NRAP 21(b)(1).

It is so ORDERED.¹


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Michelle Leavitt, District Judge
Marquis & Aurbach
Bryan Cave LLP
Friedman/Rubin-Anchorage
Gerald I. Gillock & Associates
Jones Vargas/Las Vegas
Matthew L. Sharp
Eighth District Court Clerk

¹In light of this order, we deny as moot petitioner's motion for a stay and petitioner's motion for emergency relief.