

IN THE SUPREME COURT OF THE STATE OF NEVADA

SUNDAR RAJ, M.D.,

No. 35098

Appellant,

vs.

SUNRISE HOSPITAL, A NEVADA CORPORATION, D/B/A SUNRISE HOSPITAL AND MEDICAL CENTER; JERALD F. MITCHELL, INDIVIDUALLY AND AS CURRENT AND/OR FORMER PRESIDENT AND CHIEF OPERATING OFFICER OF SUNRISE HOSPITAL; ALLAN FROMAN, INDIVIDUALLY AND AS DIRECTOR OF THE MEDICAL LIBRARY OF SUNRISE HOSPITAL; AND PAM MORRISSEY, INDIVIDUALLY AND AS CHIEF QUALITY COMPROLLER OF SUNRISE HOSPITAL,

Respondents.

FILED

JUL 10 2001

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *S. Subash*
CHIEF DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal from a district court order denying appellant's request for a preliminary injunction restoring his medical staff and patient privileges pending the outcome of a trial on the merits. Our review of the record on appeal suggests that the district court's decision to deny the preliminary injunction was in all likelihood predicated on Lakeside Community Hospital v. Levenson.¹

Given our discussion of both the Quality Health Care Improvement Act² and Levenson in the recently-decided cases of Clark v. Columbia/HCA Information Services³ and Meyer v.

¹101 Nev. 777, 710 P.2d 727 (1985) (holding that Nevada district courts lack jurisdiction to entertain a suit challenging a private hospital's decision to deny a doctor staff privileges), overruled in part by Clark v. Columbia/HCA Info. Servs., 117 Nev. ___, ___ P.3d ___ (Adv. Op. No. 42, June 21, 2001), and Meyer v. Sunrise Hosp., 117 Nev. ___, ___ P.3d ___ (Adv. Op. No. 31, May 15, 2001).

²42 U.S.C. §§ 11111 - 11115.

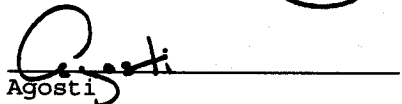
³117 Nev. ___, ___ P.3d ___ (Adv. Op. No. 42, June 21, 2001).

Sunrise Hospital,⁴ we deem it necessary to remand this matter to the Eighth Judicial District Court so that the substantive issues raised can be reconsidered in light of Clark and Meyer. Accordingly, the order denying appellant's request for a preliminary injunction is reversed,⁵ and the matter is remanded for further proceedings consistent with our opinions in Clark and Meyer.

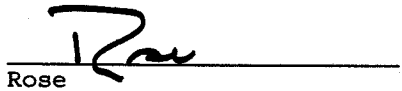
It is so ORDERED.



Shearing J.



Agosti J.



Rose J.

cc: Hon. Allan R. Earl, District Judge
Christopher G. Gellner
Law Offices of John R. Bailey
Lionel Sawyer & Collins
Clark County Clerk

⁴117 Nev. ___, ___ P.3d ___ (Adv. Op. No. 31, May 15, 2001).

⁵We make no comment as to whether, upon remand, the preliminary injunction request should or should not be granted.