

IN THE SUPREME COURT OF THE STATE OF NEVADA

SICOR, INC.; TEVA PARENTERAL
MEDICINES, INC. F/K/A SICOR
PHARMACEUTICALS, INC.;
BAXTER HEALTHCARE
CORPORATION; AND MCKESSON
MEDICAL-SURGICAL, INC.,
Appellants,

vs.

MARIA V. PAGAN, INDIVIDUALLY;
AND WILLIAM I. BILGER, JR. AND
MARILYN ELAINE BILGER,
HUSBAND AND WIFE,
Respondents.

MARIA V. PAGAN, INDIVIDUALLY;
AND WILLIAM I. BILGER, JR. AND
MARILYN ELAINE BILGER,
HUSBAND AND WIFE,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF
NEVADA, IN AND FOR THE
COUNTY OF CLARK; AND THE
HONORABLE TIMOTHY C.
WILLIAMS, DISTRICT JUDGE,
Respondents,

and

BAXTER HEALTHCARE
CORPORATION; TEVA
PARENTERAL MEDICINES, INC.
F/K/A SICOR PHARMACEUTICALS,
INC.; AND MCKESSON MEDICAL-
SURGICAL, INC.,
Real Parties in Interest.

No. 57143

FILED

NOV 16 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY J. M. D. D.
DEPUTY CLERK

No. 57158 ✓

ORDER TO SHOW CAUSE (DOCKET NO. 57143)
AND ORDER ADMINISTRATIVELY CLOSING PETITION FOR
EXTRAORDINARY RELIEF (DOCKET NO. 57158)

Docket No. 57143 is an appeal from a district court's denial of a motion to change venue. Docket No. 57158 is a petition for extraordinary relief. We address each of these cases below, in turn.

Docket No. 57143

Our review of the documents submitted to this court reveals a potential jurisdictional defect with regard to the appeal pending in Docket No. 57143. Specifically, although the notice of appeal designates an October 27, 2010, district court order denying appellants' motion to change venue, no such order was transmitted to this court and it is not clear that a written, file-stamped order denying the motion has been entered by the district court. Because a district court's oral ruling is generally of no effect, State, Div. Child & Fam. Servs. v. Dist. Ct., 120 Nev. 445, 454, 92 P.3d 1239, 1245 (2004); Rust v. Clark Cty. School District, 103 Nev. 686, 747 P.2d 1380 (1987), it appears that this appeal is premature, and thus, that this court lacks jurisdiction to consider it. It further appears that this jurisdictional defect can be cured by obtaining a written, file-stamped order denying the motion from the district court.

Accordingly, appellants are directed to show cause why this appeal should not be dismissed for lack of jurisdiction. In responding to this order, appellants should submit documentation supporting this court's jurisdiction to consider this appeal, including any written, file-stamped order from the district court denying the motion to change venue. Appellants shall have until 4 p.m. on Friday, November 19, 2010, to obtain

a written, file-stamped order from the district court and file and serve their response to this order.¹ We caution appellants that no extensions of time will be granted and that their failure to timely respond to this order and demonstrate this court's jurisdiction will result in the dismissal of this appeal. In light of this order, we suspend the briefing schedule and the requesting of transcripts pending further order of this court.

Docket No. 57158

Docket No. 57158 is a purported petition for extraordinary relief in which petitioners essentially seek to stay any further district court activity regarding real parties in interest's venue change motion and to have the appeal pending in Docket No. 57143 decided contemporaneously with the original writ petitions pending in Docket Nos. 56928 and 57079. Because such relief is more appropriately sought through a motion, as opposed to a petition for extraordinary writ relief, we direct the clerk of this court to administratively close Docket No. 57158 and to refile this "petition" and its supporting documents as a motion in Docket No. 57143. Real parties in interest, who are the appellants in Docket No. 57143, shall have until 4 p.m. on Wednesday, November 17, 2010, to file and serve any opposition to this motion and petitioners shall

¹We lift the stay of proceedings imposed by the November 4, 2010, order entered by this court in Docket No. 57079, for the sole and limited purpose of having the district court enter an order denying the motion to change venue, if it has not already done so.

have until 4 p.m. on Friday, November 19, 2010, to file and serve any reply to that opposition. All further filings shall be made under Docket No. 57143.

It is so ORDERED.²

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. Timothy C. Williams, District Judge
Goodwin Procter, LLP
Kirkland & Ellis LLP/New York
Kirkland & Ellis LLP/Washington DC
Olson, Cannon, Gormley & Desruisseaux
Kemp, Jones & Coulthard, LLP
Mainor Eglet
Eighth District Court Clerk

²For this appeal, we suspend application of NRAP 25(a)(2)(B)(ii)-(iv), which provides that a document is timely filed if, on or before its due date, it is mailed to this court, dispatched for delivery within three-calendar days by a third-party commercial carrier, or deposited in the supreme court drop box. All documents in this matter shall be filed personally, electronically, or by facsimile transmission with the clerk of this court in Carson City. See NRAP 2; NRAP 25(a)(2)(B)(i); NRAP 25(a)(4). In addition, service of all documents shall be personal, electronic, or by fax.