

IN THE SUPREME COURT OF THE STATE OF NEVADA

HOWARD EHRENFELD, M.D., AN  
INDIVIDUAL; EDWARD CLARK, M.D., AN  
INDIVIDUAL; AND SOUTHWEST  
MEDICAL ASSOCIATES, INC.,  
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

SHANNON BECKER, INDIVIDUALLY AND  
AS HEIR OF BARRY BECKER, JR.,  
DECEASED; AND BLAIR BECKER, BY  
AND THROUGH HER MOTHER AND  
NATURAL GUARDIAN,  
Real Parties in Interest.

No. 57164

**FILED**

APR 07 2011

TRACHE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY J. Shaw  
DEPUTY CLERK

ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS OR PROHIBITION

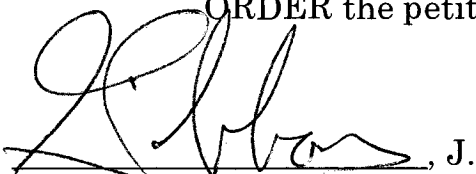
This original petition for a writ of mandamus or prohibition challenges a district court order denying a motion to dismiss in a medical malpractice action. As directed, real parties in interest have filed an answer.

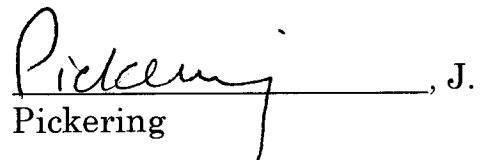
A writ of mandamus is available to compel the performance of an act that the law requires or to control a manifest abuse of discretion. NRS 34.160; Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). A writ of prohibition is available to arrest the proceedings of a district court exercising its judicial functions, when such proceedings are in excess of the district court's jurisdiction. NRS 34.320. Mandamus and prohibition are extraordinary remedies, and whether a petition will be considered is within our sole discretion. Smith v. District Court, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Neither

mandamus nor prohibition will issue when the petitioner has a plain, speedy, and adequate remedy at law, NRS 34.170; NRS 34.330, 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). Even when an appeal is not an adequate remedy, we generally decline to entertain writ petitions because they consume a large amount of this court's resources and disrupt district court proceedings. Cf. International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558-59 (2008).

Having reviewed the petition, answer, and documents submitted, we are not persuaded that writ relief is warranted. Although this writ presents a novel issue, the writ petition failed to adequately demonstrate that the district court committed a manifest abuse of discretion, that the law clearly required the result sought by petitioner, or that the district court acted in excess of its jurisdiction. Round Hill Gen. Imp. Dist., 97 Nev. at 603-04, 637 P.2d at 536; Smith, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

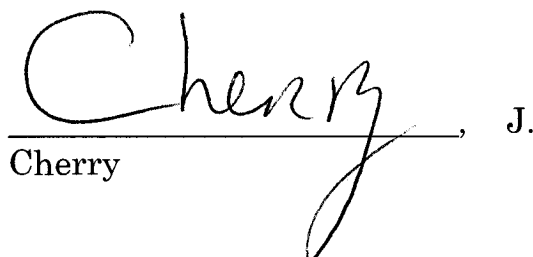
ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

CHERRY, J., concurring:

I concur in the decision to deny the petition for a writ of mandamus or prohibition.

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Timothy C. Williams, District Judge  
Hutchison & Steffen, LLC  
Edward M. Bernstein & Associates/Las Vegas  
Eighth District Court Clerk