

IN THE SUPREME COURT OF THE STATE OF NEVADA

VALLEY HEALTH SYSTEM, LLC D/B/A
CENTENNIAL HILLS HOSPITAL
MEDICAL CENTER, A NEVADA LIMITED
LIABILITY COMPANY,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF CLARK; AND
THE HONORABLE JESSIE ELIZABETH
WALSH, DISTRICT JUDGE,

Respondents,

and

ROXANNE CAGNINA, AN INDIVIDUAL;
AMERICAN NURSING SERVICES, INC., A
LOUISIANA CORPORATION; AND
STEVEN DALE FARMER, AN
INDIVIDUAL,

Real Parties in Interest.

No. 57206

FILED

JAN 25 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges district court orders dismissing a complaint against two defendants without notice to petitioner, another defendant, and an order regarding discovery and trial scheduling.

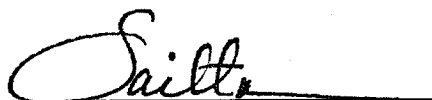
Having considered the petition and its exhibits, we are not persuaded that our extraordinary intervention by way of mandamus is warranted at this time. NRAP 21(b)(1); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). The dismissal of the two defendants from the underlying case does not bar petitioner from bringing contribution or indemnity claims against them in an independent action; notably, such claims are not ripe until petitioner pays damages to the plaintiff in the underlying action. Doctors Company v. Vincent, 120 Nev. 644, 650, 98


P.3d 681, 686 (2004) (“The remedies of contribution and implied, i.e., noncontractual indemnity allow parties extinguishing tort liabilities by way of settlement or payment of judgments to seek recovery from other potential tortfeasors under equitable principles.”). Moreover, petitioner was free to include such claims in its original answer and failed to do so, and it has offered no reason for why it waited more than a year to seek to amend its answer to include claims against American Nursing Services, Inc. Under these circumstances, we conclude that writ relief is not warranted.

Also, issues regarding discovery and scheduling are within the district court’s discretion, and petitioner has not demonstrated that the district court has manifestly abused its discretion in these matters so that writ relief is warranted. Int’l Fidelity Ins. v. State of Nevada, 114 Nev. 1061, 967 P.2d 804 (1998) (stating that the district court has broad discretion in addressing internal matters); Hetter v. District Court, 110 Nev. 513, 874 P.2d 762 (1994) (providing that writ relief is generally unavailable for discovery matters, with two exceptions not applicable here).

Notably, petitioner is free to raise all of these issues in an appeal from any adverse judgment, and thus, has an adequate legal remedy. NRS 34.170; Pan v. Dist. Ct., 120 Nev. 222, 88 P.3d 840 (2004). Accordingly, we

ORDER the petition DENIED.


Saitta, J.


Hardesty, J.


Parraguirre, J.

cc: Hon. Jessie Elizabeth Walsh, District Judge
Hall Prangle & Schoonveld, LLC/Las Vegas
Law Office of Neal Hyman
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Mandelbaum, Ellerton & McBride
Eighth District Court Clerk