

IN THE SUPREME COURT OF THE STATE OF NEVADA

RYAN MITCHELL, D.O.,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
KENNETH C. CORY, DISTRICT  
JUDGE,  
Respondents,  
and  
ALEC BUNTING BY AND THROUGH  
HIS GUARDIAN AD LITEM, STELLA  
RAVELLA; AND STELLA RAVELLA,  
INDIVIDUALLY,  
Real Parties in Interest.

No. 57965

**FILED**

DEC 12 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *A. Malme*  
DEPUTY CLERK

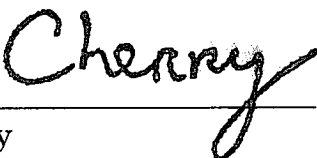
ORDER DISMISSING PETITION FOR  
WRIT OF MANDAMUS OR PROHIBITION

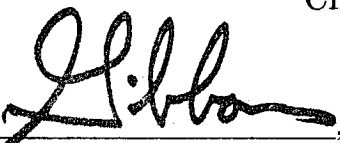
This original petition for a writ of mandamus or prohibition challenges a district court order requiring petitioner to provide petitioner's medical and counseling records to real parties in interest.

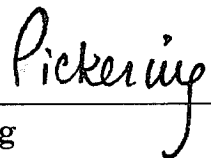
On December 12, 2011, real parties in interest notified this court that on November 30, 2011, petitioner had filed a petition for relief under 11 U.S.C. Chapter 7 in the United States Bankruptcy Court for the District of Nevada. This court subsequently entered several orders directing petitioner to file status reports concerning the Chapter 7 proceedings in light of the automatic stay of this writ proceeding and the underlying district court action pursuant to 11 U.S.C. § 362(a)(1) (2010) (providing that the filing of a Chapter 7 petition operates to stay, automatically, the "continuation" of any "judicial . . . action . . . against the

[bankruptcy] debtor"). Petitioner's last status report, which was filed on September 18, 2012, explained that the Chapter 7 proceedings remained ongoing and that real parties in interest had filed a complaint in the Bankruptcy Court objecting to the discharge of petitioner's debts. Given that this interlocutory writ proceeding was filed in March 2011, and that it has been over one year since petitioner's Chapter 7 petition was filed and the automatic stay imposed, we conclude that judicial efficiency will be best served if this writ petition is dismissed without prejudice to petitioner's right to renew it following the termination of the Chapter 7 proceedings or the stay imposed by virtue of those proceedings. 11 U.S.C. § 362(a)(1). Accordingly, we dismiss this petition without prejudice.

It is so ORDERED.<sup>1</sup>

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

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

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

cc: Hon. Kenneth C. Cory, District Judge  
Mandelbaum, Ellerton & McBride  
Law Office of Daniel S. Simon  
Eighth District Court Clerk

---

<sup>1</sup>In light of this order, we vacate the stay imposed by our April 7, 2011, order, although we note that this has no impact on the 11 U.S.C. § 362(a)(1) stay. We also deny as moot all pending motions and requests for relief filed in this proceeding.