

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID KARTZINEL, M.D.,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
DAVID B. BARKER, DISTRICT JUDGE,  
Respondents,

and

TIFFANY NASH; AND SUNRISE  
HOSPITAL AND MEDICAL CENTER,  
LLC D/B/A SUNRISE HOSPITAL AND  
MEDICAL CENTER,  
Real Parties in Interest.

No. 58479

**FILED**

JUN 30 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *H. Anderson*  
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This original petition for a writ of mandamus challenges a district court order denying a motion to dismiss in a medical malpractice action.

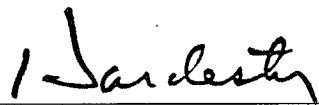
In cases where “there is not a plain, speedy and adequate remedy in the ordinary course of law,” NRS 34.170, a writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Mandamus is an extraordinary remedy, 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). Petitioner bears the burden of demonstrating that our intervention by way of

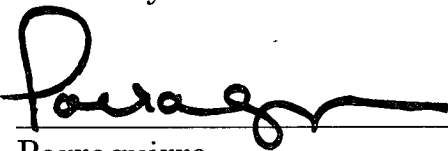
extraordinary relief is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having reviewed the petition and its supporting documents, we are not persuaded that writ relief is warranted. NRAP 21(b); Smith, 107 Nev. at 677, 679, 818 P.2d at 851, 853. Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

 , J.  
Saitta

 , J.  
Hardesty

 , J.  
Parraguirre

cc: Hon. David B. Barker, District Judge  
Mandelbaum, Ellerton & McBride  
Hall Prangle & Schoonveld, LLC/Las Vegas  
Benson, Bertoldo, Baker & Carter, Chtd.  
Eighth District Court Clerk

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<sup>1</sup>In light of this order, we deny as moot petitioner's motion for a stay of the district court proceedings.