

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.,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
RONALD J. ISRAEL, DISTRICT
JUDGE,

Respondents,

and

RICHARD C. SACKS, INDIVIDUALLY;
ANTHONY V. DEVITO AND DONNA J.
DEVITO, HUSBAND AND WIFE; AND
ANNE M. ARNOLD AND JAMES L.
ARNOLD, HUSBAND AND WIFE,
Real Parties in Interest.

No. 58901

FILED

OCT 06 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
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 for summary judgment. The petition was filed, however, after trial had begun in the underlying matter. It appears likely that trial will conclude shortly, and petitioners may raise the issues identified in the writ petition in the context of any appeal from the final judgment. NRAP 3A(b)(1). Accordingly, as an appeal is a plain, speedy, and adequate legal remedy under these circumstances, this court's intervention by way of extraordinary relief is

not warranted, NRAP 21(b)(1); NRS 34.170; NRS 34.330; Pan v. Dist. Ct.,
120 Nev. 222, 88 P.3d 840 (2004), and we

ORDER the petition DENIED.¹


_____, J.
Gibbons


_____, Sr.J.
Rose


_____, Sr.J.
Shearing

cc: Hon. Ronald J. Israel, District Judge
Greenberg Traurig, LLP/Las Vegas
Lewis & Roca, LLP/Las Vegas
Olson, Cannon, Gormley & Desruisseaux
Kemp, Jones & Coulthard, LLP
Mainor Eglet
Eighth District Court Clerk

¹The Honorable Robert E. Rose and the Honorable Miriam Shearing,
Senior Justices, participated in the decision of this matter under general
orders of assignment.