

Order vacated - per order filed 8/1/12

IN THE SUPREME COURT OF THE STATE OF NEVADA

SOUTHERN NEVADA HEALTH DISTRICT,  
Petitioner,  
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  
SICOR, INC.; TEVA PARENTERAL MEDICINES, INC. F/K/A SICOR PHARMACEUTICALS, INC.; ENDOSCOPY CENTER OF SOUTHERN NEVADA, LLC; GASTROENTEROLOGY CENTER OF NEVADA, LLP; BAXTER HEALTHCARE CORPORATION; MCKESSON CORP.; RICHARD C. SACKS; ANNE M. ARNOLD; JAMES L. ARNOLD; ANTHONY V. DEVITO; AND DONNA JEAN DEVITO,  
Real Parties in Interest.

No. 59114

**FILED**

SEP 08 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Tracie K. Lindeman*  
DEPUTY CLERK


ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION

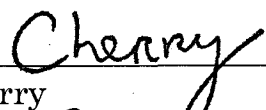
This original petition for a writ of mandamus or prohibition challenges a district court order requiring certain of petitioner's employees to testify in person at trial. Having reviewed the petition and other documents before this court, we are not persuaded that this court's intervention by way of extraordinary relief is warranted at this time. NRAP 21(b)(1); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). Specifically, petitioner has not adequately demonstrated the existence of

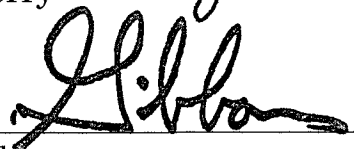
11-27384

any court order ruling that its employees need not testify at trial nor any agreement between the litigants and petitioner to similar effect. Also, the authority relied upon by petitioner involved a much higher level of official, very different factual circumstances, or a much greater showing of actual hardship than was presented here. In re U.S., 985 F.2d 510 (11th Cir. 1993) (holding in a prosecution of distribution of unapproved drugs that the commissioner of the Food and Drug Administration was not required to testify regarding defendant's selective prosecution defense); Moore v. Armour Pharmaceutical Co., 927 F.2d 1194 (11th Cir. 1991) (holding that a staff physician working on AIDS research was not required to testify at a products liability trial against a company that provided plasma products to hemophiliac patients based on a federal statute permitting limited depositions of Health and Human Services staff and the need to focus on AIDS research rather than trial testimony). Accordingly, we

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

 \_\_\_\_\_, C.J.  
Saitta

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

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

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<sup>1</sup>Petitioner's motion for a stay is denied as moot in light of this order.

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