

IN THE SUPREME COURT OF THE STATE OF NEVADA

EMAD SCOTT SOUMI, M.D.; CHARLIE
C. HUYNH, M.D.; AND GNOYSKI
HUYNH HUYNH REHABILITATION
ASSOCIATES OF NEVADA, LTD.,
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

JOHN CHESTER FETCH,
INDIVIDUALLY AND AS EXECUTOR
OF ESTATE OF MYRON FETCH,
DECEASED; PAUL FETCH,
INDIVIDUALLY; ERIK FETCH,
INDIVIDUALLY; AND KYRA
CHRISTINA (FETCH) SHELGREN,
INDIVIDUALLY,
Real Parties in Interest.

No. 59260

FILED

MAR 08 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Malone*
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.

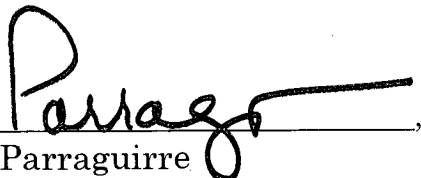
A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Where there is no plain, speedy, and adequate remedy in the ordinary course of law, NRS 34.170,

extraordinary relief may be available. Smith v. District Court, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). A writ of mandamus is an extraordinary remedy, and whether such a writ will be considered is within our sole discretion. Id. at 677, 818 P.2d at 851. It is petitioner's burden to demonstrate that our extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Having considered the petition, we conclude that our intervention by way of extraordinary relief is not warranted.¹ NRAP 21(b)(1); Smith, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition DENIED.²


Douglas, J.


Gibbons, J.


Parraguirre, J.

cc: Hon. Ronald J. Israel, District Judge
Law Office of Jacob L. Hafter & Associates
Schuering Zimmerman & Doyle LLP
Watson Rounds
Fox Rothschild, LLP
Eighth District Court Clerk

¹The relief requested by petitioners Charlie C. Huynh, M.D. and Gnoyski Huynh Huynh Rehabilitation Associates of Nevada, Ltd. in their joinder to the petition for writ of mandamus is denied for the reasons stated above.

²In light of this order, petitioner Emad Scott Soumi, M.D.'s motion for stay of district court proceedings is denied.