

IN THE SUPREME COURT OF THE STATE OF NEVADA

JANET WHEBLE, P.A.-C; AND JANET
WHEBLE, P.A.-C, LTD.,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE GLORIA
STURMAN, DISTRICT JUDGE,

Respondents,

and

ROBERT ANSARA, AS SPECIAL
ADMINISTRATOR OF THE ESTATE OF
ANDREW PEDRETTI; ALOK CHANDRA
SAXENA, M.D., INDIVIDUALLY;
VEGAS VALLEY PRIMARY CARE, A
NEVADA CORPORATION; AND ALOK
C. SAXENA, M.D. CHARTERED, A
NEVADA CORPORATION,
Real Parties in Interest.

No. 61001

FILED

JUL 27 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

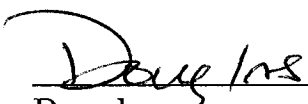
This is an original petition for a writ of mandamus challenging a district court order denying a motion for summary judgment.


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). Whether a writ of mandamus will be considered is purely discretionary with this court. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioners' burden to demonstrate that our extraordinary intervention is warranted. Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

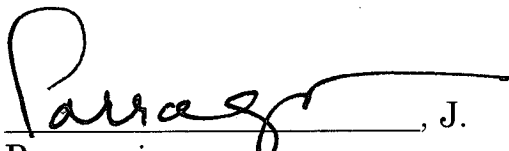
Writ relief is generally available only where there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; Smith, 107 Nev. at 677, 818 P.2d at 851. This court typically declines to exercise its discretion to consider writ petitions challenging district court orders denying summary judgment motions, unless “no disputed factual issues exist and, pursuant to clear authority under a statute or rule, the district court is obligated to dismiss an action.” Smith v. District Court, 113 Nev. 1343, 1345, 950 P.2d 280, 281 (1997). Moreover, this court has held that the right to appeal is generally an adequate legal remedy precluding writ relief. Pan, 120 Nev. at 224, 88 P.3d at 841.

Having considered the petition, we conclude that our intervention by way of extraordinary relief is not warranted. NRAP 21(b)(1); Smith, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Gloria Sturman, District Judge
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Cotton, Driggs, Walch, Holley, Woloson & Thompson/Las Vegas
Marquis Aurbach Coffing
Eighth District Court Clerk

¹Petitioners' request for a stay of the district court proceedings is denied as moot in light of this order.