

IN THE SUPREME COURT OF THE STATE OF NEVADA

DIGNITY HEALTH F/K/A CATHOLIC
HEALTHCARE WEST D/B/A ST. ROSE
DOMINICAN HOSPITAL - SIENA
CAMPUS,
Petitioners,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
NANCY L. ALLF, DISTRICT JUDGE,
Respondents,
and
NICOLO BAUDO,
Real Party in Interest.

No. 61257

FILED

AUG 14 2012

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.


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 when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; Smith, 107 Nev. at

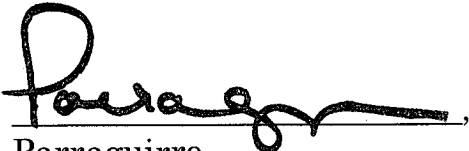
677, 818 P.2d at 851. Moreover, this court has held that the right to appeal is typically an adequate legal remedy precluding writ relief. Pan, 120 Nev. at 224, 88 P.3d at 841.

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. Nancy L. Allf, District Judge
Alverson Taylor Mortensen & Sanders
Ales & Bryson
Patti, Sgro & Lewis
Eighth District Court Clerk

¹On July 18, 2012, Melinda Weaver of the law firm Patti, Sgro & Lewis filed a notice of nonappearance stating that neither Ms. Weaver nor Patti, Sgro & Lewis had ever represented real party in interest Nicolo Baudo in this matter. As no opposition has been received, we direct the clerk of the court to remove Ms. Weaver and Patti, Sgro & Lewis as counsel of record for real party in interest in this case.