

IN THE SUPREME COURT OF THE STATE OF NEVADA

UNIVERSAL HEALTH SERVICES
FOUNDATION D/B/A DESERT
SPRINGS HOSPITAL MEDICAL
CENTER; AND VALLEY HEALTH
SYSTEM, LLC,
Petitioners,

vs.

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

Respondents,

and

RENEE MEHANNA, AN INDIVIDUAL
AND AS REPRESENTATIVE OF THE
ESTATE OF RICHARD CHAMOUN;
HELENE SOMO, AN INDIVIDUAL;
CHAMILLE CHAMOUN, AN
INDIVIDUAL; AND JANINE
CHAMOUN, AN INDIVIDUAL,
Real Parties in Interest.

No. 62209

FILED

FEB 15 2013

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

ORDER DENYING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION

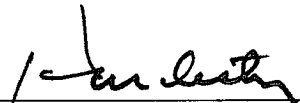
This petition for a writ of mandamus, or alternatively, prohibition, challenges a district court order granting a motion for partial summary judgment in a medical malpractice action.

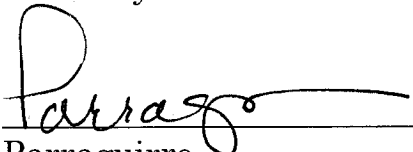
A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition may be warranted when the district court exceeds its jurisdiction. NRS 34.320.

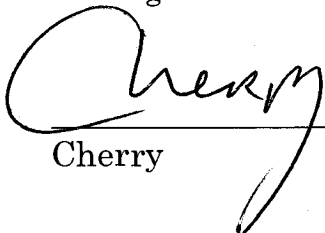
Either writ is an extraordinary remedy, and whether such a writ will be considered is within our sole discretion. Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Writ relief is not available when an adequate and speedy legal remedy exists, and the right to appeal is generally considered to be such a remedy. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Moreover, it is the petitioners' burden to demonstrate that our extraordinary intervention is warranted. Id. at 228, 88 P.3d at 844.

Having considered the petition and appendices, 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. Specifically, petitioners have an adequate legal remedy in the form of an appeal from any adverse final judgment. Pan, 120 Nev. at 224, 88 P.3d at 841. Accordingly, we

ORDER the petition DENIED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

cc: Hon. Abbi Silver, District Judge
Bailey Kennedy
Hall Prangle & Schoonveld, LLC/Las Vegas
Ramzy P. Ladah
Eighth District Court Clerk