

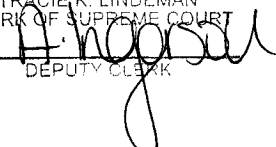
IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD L. LITT, M.D.,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
KENNETH C. CORY,
Respondents,
and
URIDIA VIVEROS-LAZARO,
Real Party in Interest.

No. 62222

FILED

JAN 18 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus, or alternatively, prohibition, challenges a district court order denying a motion to dismiss.

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. Whether a petition for mandamus or prohibition relief 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 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). Writ relief is generally available only where there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330; Smith, 107 Nev. at 677, 818 P.2d at 851. 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. Smith, 107 Nev. at 677, 818 P.2d at 851; NRAP 21(b)(1). Accordingly, we

ORDER the petition DENIED.

Pickering, C.J.
Pickering

Gibbons, J.
Gibbons

Douglas, J.
Douglas

cc: Hon. Kenneth C. Cory, District Judge
Cotton, Driggs, Walch, Holley, Woloson & Thompson/Las Vegas
Reza Athari & Associates PLLC
Eighth District Court Clerk