

IN THE SUPREME COURT OF THE STATE OF NEVADA

HEALTH PLAN OF NEVADA, INC.;
SIERRA HEALTH SERVICES, INC.;
SIERRA HEALTH AND LIFE
INSURANCE COMPANY, INC.; SIERRA
HEALTHCARE OPTIONS, INC.;
UNITED HEALTHCARE INSURANCE
COMPANY; AND UNITED
HEALTHCARE SERVICES, INC.,
Petitioners,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
TIMOTHY C. WILLIAMS, DISTRICT
JUDGE,
Respondents,
and
HELEN MEYER, AN INDIVIDUAL;
AND BONNIE J. BRUNSON AND CARL
BRUNSON, INDIVIDUALLY, AND AS
HUSBAND AND WIFE,
Real Parties in Interest.

No. 62341

FILED

JAN 18 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Anderson
DEPUTY CLERK

ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION

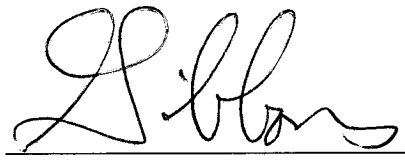
This original petition for a writ of mandamus or prohibition challenges a district court order denying a motion for judgment on the pleadings.

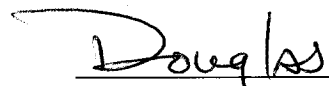
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion. See NRS 34.160; International Game Tech. v. Dist. Ct., 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court may issue a writ of prohibition to arrest


the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320; Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Writ relief is generally not available, however, when the petitioner has a plain, speedy, and adequate remedy at law. See NRS 34.170; NRS 34.330; International Game Tech., 124 Nev. at 197, 179 P.3d at 558. An appeal is generally an adequate legal remedy precluding writ relief. Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840, 841 (2004).

Having considered the petition, we conclude that petitioners have a speedy and adequate remedy available in that, in the event they are aggrieved by the final judgment, they may challenge the district court's interlocutory order denying their motion for judgment on the pleadings in the context of an appeal from that judgment. Id.; Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (explaining that a party may challenge an interlocutory order in the context of an appeal from a final judgment); see also NRAP 3A(b)(1); Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (defining a final judgment). Accordingly, we deny the petition.

It is so ORDERED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Timothy C. Williams, District Judge
Holland & Hart LLP/Las Vegas
Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC
Bryan Cave LLP/Phoenix
Eglet Wall
Kemp, Jones & Coulthard, LLP
Eighth District Court Clerk