

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALLAN STAHL, M.D.,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
RONALD J. ISRAEL, DISTRICT  
JUDGE,

Respondents,

and

JOHN CHRISTIAN FETCH,  
INDIVIDUALLY AND AS EXECUTOR  
OF THE ESTATE OF MYRON FETCH,  
DECEASED; PAUL FETCH; ERIK  
FETCH; KYRA CHRISTINA (FETCH)  
SHELREN; CHARLES C. HUYNH,  
M.D.; EMAD S. SOUMI, M.D.; GNOYSKI  
HUYNH NUYNH REHABILITATION  
ASSOCIATES OF NEVADA, LTD., A  
NEVADA PROFESSIONAL  
CORPORATION; FFN  
REHABILITATION ASSOCIATES OF  
NEVADA; AND SUMMERLIN  
HOSPITAL MEDICAL CENTER, A  
DELAWARE LIMITED LIABILITY  
COMPANY,  
Real Parties in Interest.

No. 62977

**FILED**

MAY 20 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Angela*  
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 in limine 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; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 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. Eighth Judicial Dist. 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. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 88 P.3d 840, 841 (2004). Moreover, it is petitioner's burden to demonstrate that our extraordinary intervention is warranted. *Id.* at 228, 88 P.3d at 844.

Having considered the petition and appendix, 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, petitioner has 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

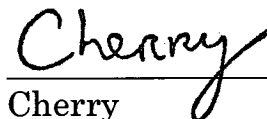
ORDER the petition DENIED.



\_\_\_\_\_, J.  
Hardesty



\_\_\_\_\_, J.  
Parraguirre



\_\_\_\_\_, J.  
Cherry

cc: Hon. Ronald J. Israel, District Judge  
Mandelbaum, Ellerton & McBride  
Watson Rounds  
Schuering Zimmerman & Doyle LLP  
Law Office of Jacob L. Hafter & Associates  
Fox Rothschild, LLP, PA  
Fox Rothschild, LLP, Las Vegas  
Hall Prangle & Schoonveld, LLC/Las Vegas  
Eighth District Court Clerk