

IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM A. ZAMBONI, 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, DISTRICT
JUDGE,
Respondents,
and
ERIN HEGARTY,
Real Party in Interest.

No. 63143

FILED

MAY 15 2013

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Tracie K. Lindeman*
DEPUTY CLERK

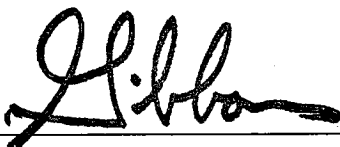
*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION*

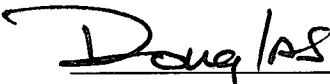
This original petition for writ of mandamus, or alternatively, prohibition, challenges a district court order denying a motion in limine and motion for partial summary judgment.

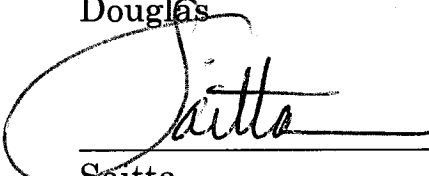
Whether a petition for mandamus or prohibition relief will be considered is purely discretionary with this court. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioner's burden to demonstrate that our extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Petitioner has not provided a copy of any written order from the district court, providing only a copy of the minutes from the hearing on petitioner's motion. This petition is therefore improper, as an oral order is ineffective because the district court remains free to

reconsider the issue. *Div. of Child & Family Servs., Dep't of Human Res., State of Nev. v. Eighth Judicial Dist. Court*, 120 Nev. 445, 451, 92 P.3d 1239, 1243 (2004). Accordingly, we

ORDER the petition DENIED.¹


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Kenneth C. Cory, District Judge
Mandelbaum, Ellerton & McBride
Cohen & Padda, LLP
Eighth District Court Clerk

¹In light of this order, we deny petitioner's motion for a stay as moot.