

IN THE SUPREME COURT OF THE STATE OF NEVADA

LONNIE HAMMARGREN, M.D.,

No. 35846

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR
THE COUNTY OF CLARK, AND THE
HONORABLE MARK R. DENTON, DISTRICT
JUDGE,

FILED

NOV 14 2000

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

Respondents,

and

WILLIAM POLLACK,

Real Party in Interest.

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges the district court's order denying summary judgment in a medical malpractice action. We have considered this petition, as well as the answer and the reply thereto, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time. Accordingly, we deny the petition. See NRAP 21(b); Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997); State ex rel. Dep't Transp. v. Thompson, 99 Nev. 358, 662 P.2d 1338 (1983).

It is so ORDERED.

[Signature]

Shearing

J.

[Signature]


Agosti

J.

MAUPIN, J., concurring:

I concur. However, I write separately to note my recommendation that at trial, the parties consider the use of

a special interrogatory to the jury on the issue of whether a physician/patient relationship arose between Dr. Hammargren and William Pollack. If this question is answered in the affirmative, only then should the jury proceed to resolve issues concerning Dr. Hammargren's potential substantive liability.


Maupin J.

cc: Hon. Mark R. Denton, District Judge
John H. Cotton & Associates, Ltd.
Treadwell, Marr & Schott
Hale Lane Peek Dennison Howard & Anderson
Clark County Clerk