

IN THE SUPREME COURT OF THE STATE OF NEVADA

REN YU ZHANG, M.D.; AND NEVADA  
SURGERY AND CANCER CARE,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
JAMES M. BIXLER, DISTRICT JUDGE,

Respondents,

and

DILLON BARNES,

Real Party in Interest.

No. 65957

**FILED**

JUL 01 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

This original petition for a writ of mandamus challenges a district court order denying objections to a discovery commissioner's report and recommendation compelling the production of documents.

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. *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008); see NRS 34.160. Because discovery matters are within the sound discretion of the district court, see *In re Adoption of a Minor Child*, 118 Nev 962, 968, 60 P.3d 485, 489 (2002), writ relief is generally only appropriate to review discovery orders in exceptional situations. *Valley Health Sys., LLC v. Eighth Judicial Dist. Court*, 127 Nev. \_\_\_, \_\_\_, 252 P.3d 676, 678-79 (2011). Moreover, petitioners bear the burden of demonstrating that extraordinary relief is warranted.

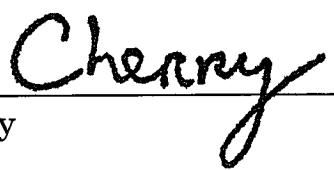
*Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the arguments set forth in the writ petition, we conclude that our intervention is unwarranted. NRAP 21(b)(1); *Pan*, 120 Nev. at 228, 88 P.3d at 844; *Valley Health*, 127 Nev. at \_\_\_, 252 P.3d at 678-79; *Hetter v. Eighth Judicial Dist. Court*, 110 Nev. 513, 520, 874 P.2d 762, 766 (1994) (recognizing that tax returns and financial records are relevant to the matter of punitive damages, not privileged, and discoverable so long as the plaintiff demonstrates “some factual basis” supporting punitive damages). Accordingly, we

ORDER the petition DENIED.<sup>1</sup>

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

  
\_\_\_\_\_, J.  
Douglas

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

cc: Hon. James M. Bixler, District Judge  
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas  
Kravitz, Schnitzer & Johnson, Chtd.  
Eighth District Court Clerk

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<sup>1</sup>In light of this order, petitioners' emergency stay motion is denied as moot.