

IN THE SUPREME COURT OF THE STATE OF NEVADA

X. NICK LIU, D.O., AN INDIVIDUAL;
YEE ADVANCED ORTHOPEDICS &
SPORTS MEDICINE, P.C. D/B/A
ADVANCED ORTHOPEDICS &
SPORTS MEDICINE,
Petitioners,

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
LARRY HICKS,
Real Party in Interest.

No. 66267

FILED

JAN 29 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

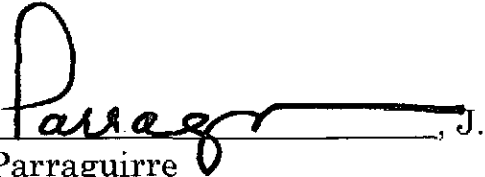
This is an original petition for a writ of mandamus challenging a district court order excluding the testimony of petitioners' expert witnesses.

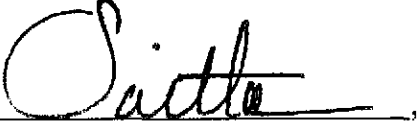
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008); *see* NRS 34.160. A writ of mandamus is an extraordinary remedy, and whether a petition for extraordinary relief will be considered is solely within this court's discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Petitioners bear the burden of demonstrating that extraordinary

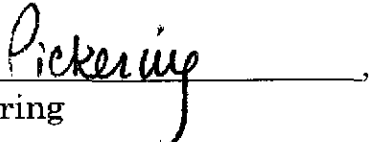
relief is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the writ petition and appendices, we conclude that the district court did not arbitrarily exercise its discretion in striking petitioners' witnesses and permitting petitioners to procure new witnesses, and petitioners have failed to otherwise demonstrate that the law compels relief in their favor. *Id.*; *Int'l Game Tech, Inc.*, 124 Nev. at 197; 179 P.3d at 558. We therefore decline to grant this petition for extraordinary relief. NRAP 21(b)(1); *Pan*, 120 Nev. at 228, 88 P.3d at 844; *Smith*, 107 Nev. at 679; 818 P.2d at 853. Accordingly, we

ORDER the petition DENIED.¹


Parraguirre, J.


Saitta, J.


Pickering, J.

cc: Hon. Kenneth C. Cory, District Judge
Carroll, Kelly, Trotter, Franzen, & McKenna
Rogers, Mastrangelo, Carvalho & Mitchell, Ltd.
Eighth District Court Clerk

¹The stay imposed by our November 20, 2014, order is hereby vacated.