

IN THE SUPREME COURT OF THE STATE OF NEVADA

SARAH GRIMALDI,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
JEROME T. TAO, DISTRICT JUDGE,  
Respondents,  
and  
VALLEY HEALTH SYSTEMS, LLC  
D/B/A CENTENNIAL HOSPITAL  
MEDICAL CENTER, A NEVADA  
CORPORATION,  
Real Parties in Interest.

No. 66604

**FILED**

OCT 14 2014

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

*ORDER DENYING PETITION  
FOR WRIT OF MANDAMUS OR PROHIBITION*

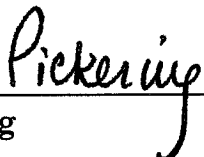
This original petition for a writ of mandamus, or alternatively, prohibition, challenges a district court order granting partial summary judgment in a tort action.

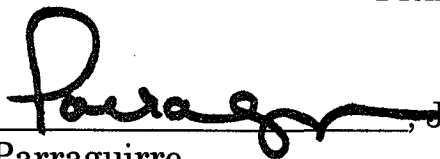
A writ of mandamus is available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of prohibition may be warranted when the district court exceeds its jurisdiction. NRS 34.320. Whether such an extraordinary writ will be considered is within this court's sole discretion, *Smith v. Eighth Judicial District Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991), and 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). Writ relief is generally available only when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; NRS 34.330; *Smith*, 107 Nev. at 677, 818 P.2d at 851. Moreover, this court has held that the right to appeal is typically an adequate legal remedy precluding writ relief. *Pan*, 120 Nev. at 224, 88 P.3d at 841.

Having considered the petition, we are not persuaded that our intervention by way of extraordinary relief is warranted. NRAP 21(b)(1); *Pan*, 120 Nev. at 228, 88 P.3d at 844; *Smith*, 107 Nev. at 677, 818 P.2d at 851. Specifically, petitioner has an adequate legal remedy in the form of an appeal. *Pan*, 120 Nev. at 224, 88 P.3d at 841. We also note that petitioner delayed seeking writ relief from this court, adding to the expenditure of party and judicial resources in the district court were we to intervene. Accordingly, we

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

  
\_\_\_\_\_, J.  
Pickering

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

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Jerome T. Tao, District Judge  
Patin Law Group, PLLC  
Baker Law Offices  
Marquis Aurbach Coffing  
Hall Prangle & Schoonveld, LLC/Las Vegas  
Eighth District Court Clerk

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