

IN THE SUPREME COURT OF THE STATE OF NEVADA

HEALTH PLAN OF NEVADA, INC.;
AND SIERRA HEALTH SERVICES,
INC.,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
TIMOTHY C. WILLIAMS, DISTRICT
JUDGE,

Respondents,

and

BERNARD THOMAS PAUL,
Real Party in Interest.

No. 66628

FILED

OCT 07 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER DENYING PETITION
FOR WRIT OF MANDAMUS OR PROHIBITION*


This emergency petition for a writ of mandamus or prohibition challenges a district court order denying a motion to stay the underlying case pending this court's resolution of consolidated appeals presenting similar issues to those presented in the case below.

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. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court may issue a writ of prohibition to arrest the proceedings of a district court exercising its judicial functions when such proceedings are in excess of the district court's jurisdiction. See NRS 34.320; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Whether a writ petition will be considered is within

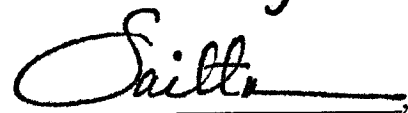
this court's discretion. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). It is petitioners' burden to demonstrate that this court's extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the petition and appendix, we conclude that writ relief is not merited. *See Smith*, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we deny the petition. *See* NRAP 21(b)(1).

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Pickering


_____, J.
Saitta

cc: Hon. Timothy C. Williams, District Judge
Bartlit Beck Herman Palenchar & Scott LLP
Holland & Hart LLP/Las Vegas
Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC
Lewis Roca Rothgerber LLP/Las Vegas
Eglet Law Group
Kemp, Jones & Coulthard, LLP
Eighth District Court Clerk