

IN THE SUPREME COURT OF THE STATE OF NEVADA

FOOTHILLS PEDIATRICS, LLC, A NEVADA LIMITED LIABILITY COMPANY; RALPH CONTI, M.D., PROFESSIONAL CORPORATION, A NEVADA PROFESSIONAL CORPORATION; THE RALPH CONTI TRUST, AN ENTITY OF UNKNOWN CHARACTER; RACONTI LIMITED-LIABILITY LIMITED PARTNERSHIP, A NEVADA LIMITED-LIABILITY LIMITED PARTNERSHIP; RACONTI LIMITED PARTNERSHIP, A TEXAS LIMITED PARTNERSHIP; AND BERTHA CASILLAS, INDIVIDUALLY, Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE ADRIANA ESCOBAR, DISTRICT JUDGE, Respondents,

and

FRANKLIN HEATH, INDIVIDUALLY AND AS SPECIAL ADMINISTRATOR OF THE ESTATE OF BRIANA HEATH; CATHERINE HEATH, INDIVIDUALLY; MEDICWEST AMBULANCE, INC., A NEVADA CORPORATION; DEDRIANE WILSON, AN INDIVIDUAL; CITY OF NORTH LAS VEGAS FIRE DEPARTMENT, A DEPARTMENT OF THE CITY OF NORTH LAS VEGAS, A MUNICIPAL CORPORATION AND POLITICAL SUBDIVISION OF THE STATE OF NEVADA; AND JOHN MCGEE, AN INDIVIDUAL, Real Parties in Interest.

No. 66808

FILED

DEC 22 2014

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

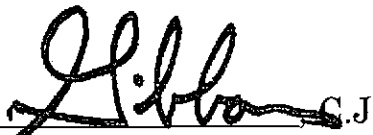
ORDER DENYING PETITION FOR WRIT OF MANDAMUS

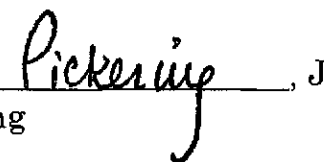
This original petition for a writ of mandamus challenges a district court order denying a motion for summary judgment in a medical malpractice action.

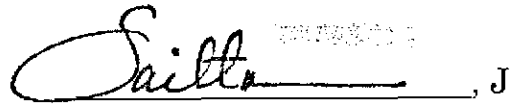
A writ of mandamus is an extraordinary remedy available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Whether a petition for writ of mandamus will be considered is within this court's sole discretion, *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991), and it is petitioners' 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). Moreover, writ relief is generally available only when there is no plain, speedy, and adequate remedy in the ordinary course of law. NRS 34.170; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558.

Having considered the petition, we are not persuaded that our intervention is warranted at this time. NRAP 21(b)(1); *Pan*, 120 Nev. at 228, 88 P.3d at 844; *Smith*, 107 Nev. at 677, 818 P.2d at 851. Accordingly, we

ORDER the petition DENIED.


Gibbons, J.


Pickering, J.


Saitta, J.

cc: Hon. Adriana Escobar, District Judge
Bonne, Bridges, Mueller, O'Keefe & Nichols
Patti, Sgro & Lewis
North Las Vegas City Attorney
Phillip Hack & Associates APC
Eighth District Court Clerk