

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAFAEL G. JUAREZ, M.D.; TINA STANGL; DESERET WOMEN'S HEALTH CARE MANAGEMENT, LLC, A NEVADA LIMITED LIABILITY COMPANY D/B/A DESERET WOMEN'S HEALTH CARE; STELLA MARIS PENARANDA DELGADO-ALMENARIO, M.D.; AND TRI-STAR PEDIATRICS SERVICES CO., A NEVADA CORPORATION,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE JESSIE ELIZABETH WALSH, DISTRICT JUDGE,

Respondents,

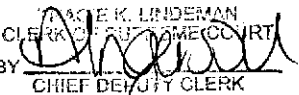
and

ANDREW STONEBARGER, BY AND THROUGH HIS NATURAL PARENT, HEATHER STONEBARGER; HEATHER STONEBARGER, INDIVIDUALLY, Real Parties in Interest.

No. 67007

FILED

JAN 15 2015

TRACIE K. LINDEMAN
CLERK OF THE SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order excluding evidence in a medical malpractice action.

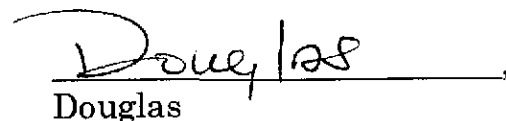
A writ of mandamus is an extraordinary remedy available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Whether a petition for writ relief will be considered is within

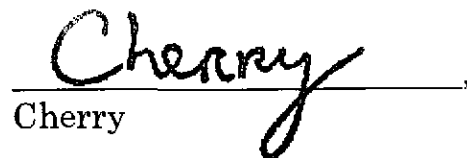
this court's sole discretion, *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991), and it is petitioners' burden to demonstrate that our extraordinary intervention is warranted. *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). Writ relief is typically available only when there is no plain, speedy, and adequate remedy in the ordinary course of law, NRS 34.170; NRS 34.330; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558, and generally, an appeal is 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 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. Specifically, petitioners have an adequate legal remedy in the form of an appeal. *Pan*, 120 Nev. at 224, 88 P.3d at 841. Accordingly, we

ORDER the petition DENIED.¹

 J.
Parraguirre

 J.
Douglas

 J.
Cherry

¹In light of this order, we deny petitioners' motion for a stay as moot.

cc: Hon. Jessie Elizabeth Walsh, District Judge
Carroll, Kelly, Trotter, Franzen, & McKenna
Christiansen Law Offices
Jimmerson Hansen
Schuering Zimmerman & Doyle LLP
Eighth District Court Clerk