

IN THE SUPREME COURT OF THE STATE OF NEVADA

CARSON TAHOE REGIONAL
HEALTHCARE,

Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
DAVID R. GAMBLE,

Respondents,

and

MICHAEL GRIBBLE; AND CHRISTIE
GRIBBLE,

Real Parties in Interest.

No. 67096

FILED

JAN 15 2015

BY  JOSEPH K. LINDEMAN
CLERK OF THE SUPREME COURT
CHIEF 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 to dismiss in a medical malpractice action.

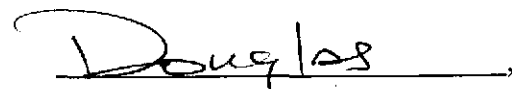
A writ of mandamus is an extraordinary remedy available to compel the performance of an act that the law requires or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Whether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

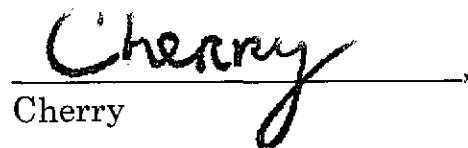
NRS 34.330; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. Generally, an appeal is an adequate legal remedy precluding writ relief. *Pan*, 120 Nev. at 224, 88 P.3d at 841.

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. Accordingly, we

ORDER the petition DENIED.

 J.
Farraguirre

 J.
Douglas

 J.
Cherry

cc: Hon. David R. Gamble, Senior Judge
Schuering Zimmerman & Doyle LLP
Mandelbaum, Ellerton & Kolkoski
Matthew L. Sharp, Ltd.
Stephen H. Osborne
Carson City Clerk