

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENIS ASTARITA, M.D.,
Petitioner,
vs.
THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE; AND THE HONORABLE
DAVID A. HARDY, DISTRICT JUDGE,
Respondents,
and
REBECCA KOSAK; AND MARK
KOSAK,
Real Parties in Interest.

No. 67186

FILED

MAR 2 5 2016

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

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS OR
PROHIBITION*

This is an original petition for a writ of mandamus or prohibition challenging a district court order denying a motion to dismiss in a medical malpractice action.¹

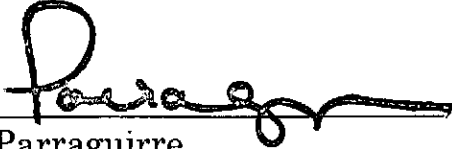
Petitioner argues that the district court erred in denying the motion to dismiss and allowing amendment instead when the court found that the complaint and affidavit were deficient.

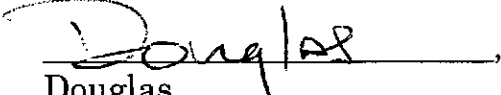
Writ relief is generally not available when a petitioner has an adequate remedy at law, such as an appeal from a final judgment. See NRS 34.170; NRS 34.330; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224-25, 88 P.3d 840, 841 (2004). Having considered the documents

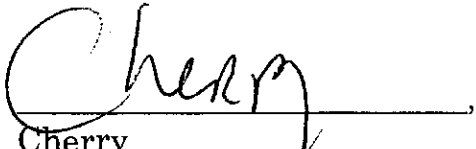
¹The Honorable James W. Hardesty, Justice, voluntarily recused himself from participation in the decision of this matter.

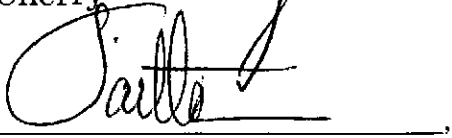
and arguments presented in this matter, we conclude that our extraordinary intervention is not warranted. *See Pan*, 120 Nev. at 228, 88 P.3d at 844 (providing that petitioner bears the burden of showing writ relief is appropriate). Accordingly, we

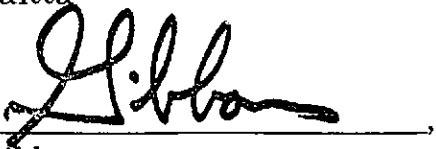
ORDER the petition DENIED.

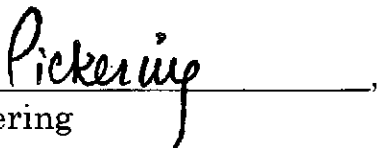

Parraguirre C.J.


Douglas J.


Cherry J.


Saitta J.


Gibbons J.


Pickering J.

cc: Hon. David A. Hardy, District Judge
Lemons, Grundy & Eisenberg
Stephen H. Osborne
Washoe District Court Clerk