

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALBERT H. CAPANNA, M.D.,  
INDIVIDUALLY; CAPANNA'S  
INTERNATIONAL NEUROSCIENCE  
CONSULTANTS, INC., A DOMESTIC  
PROFESSIONAL CORPORATION; AND  
ALBERT H. CAPANNA, M.D., A  
PROFESSIONAL CORPORATION, A  
DOMESTIC PROFESSIONAL  
CORPORATION,  
Petitioners,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
ELISSA F. CADISH, DISTRICT JUDGE,  
Respondents,  
and  
LANCE LEDET; AND LISA LEDET,  
INDIVIDUALLY,  
Real Parties in Interest.

No. 74031

**FILED**

DEC 14 2017

ELIZABETH A. BROWN  
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 allowing separate applications of the NRS 41A.035's noneconomic damages cap for each allegedly separate incident of medical malpractice.


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. See NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). A writ of mandamus will not issue,

however, if the petitioners have a plain, speedy, and adequate remedy at law. See NRS 34.170; *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. Further, mandamus is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered. See *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). Petitioners bear the burden of demonstrating that extraordinary relief is warranted. See *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Having considered the documents before us, we conclude that petitioners have failed to demonstrate that extraordinary writ relief is warranted. See *id.* Accordingly, we deny the petition. See NRAP 21(b)(1); *Smith*, 107 Nev. at 677, 818 P.2d at 851.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Elissa F. Cadish, District Judge  
Mandelbaum, Ellerton & Associates  
Cassiday Schade LLP  
Eglet Prince  
Eighth District Court Clerk