

IN THE SUPREME COURT OF THE STATE OF NEVADA

SCOTT M. SELCO, M.D.; DIGNITY
HEALTH, D/B/A ST. ROSE
DOMINICAN HOSPITAL-SIENA
CAMPUS
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
DAVID M. JONES, DISTRICT JUDGE,
Respondents,
and
WILLIAM NATHAN BAXTER,
Real Party in Interest.

No. 75374

FILED

APR 23 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges district court orders granting a motion for leave to amend a complaint, denying a motion to strike, and denying a summary judgment motion in a tort action.¹ Having considered petitioners' arguments and the supporting documents, we are not persuaded that our extraordinary and discretionary intervention is warranted. NRS 34.160; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d. 849, 851 (1991). In particular, interlocutory writ relief is generally not available to control a trial court's decision in a discretionary matter, *see Desert Fireplaces Plus, Inc. v. Eighth Judicial*

¹We grant Dignity Health's April 19, 2018, motion to join this writ petition. The clerk of the court shall modify the caption on the docket for this case to conform with the caption of this order.

Dist. Court, 120 Nev. 632, 635, 97 P.3d 607, 609 (2004), and we perceive no reason to deviate from our general policy of declining to consider writ petitions challenging orders denying motions for summary judgment, see *Smith v. Eighth Judicial Dist. Court*, 113 Nev. 1343, 1344, 950 P.2d 280, 281 (1997), as the underlying action has been pending since 2013 in district court and has a trial setting for early next month, and it appears that the legal issues raised in the petition may be refined during further pretrial proceedings or at trial and that those issues may be adequately reviewed on an appeal from a final judgment, see *Pan*, 120 Nev. at 224, 88 P.3d at 841. Accordingly, we

ORDER the petition DENIED.²



C.J.

Douglas



J.

Pickering



J.

Hardesty

cc: Hon. David M. Jones, District Judge
Lemons, Grundy & Eisenberg
Kenneth M. Sigelman & Associates
Christiansen Law Offices
Eighth District Court Clerk

²In light of this order, we deny petitioner Scott Selco, M.D.'s March 21, 2018, stay motion.