

IN THE SUPREME COURT OF THE STATE OF NEVADA

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. 75849

FILED

MAY 17 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS
OR OTHER EXTRAORDINARY RELIEF*

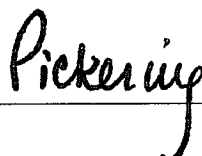
This emergency original petition for a writ of mandamus or other extraordinary relief challenges a district court ruling and order denying, respectively, petitioner's motion in limine no. 21 and motion for summary judgment, thus allowing real party in interest to pursue an ostensible agency theory of liability at trial.

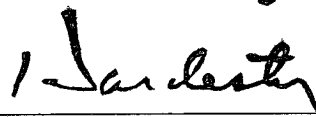
Having considered the petition and supporting documents, we are not persuaded that our extraordinary and discretionary intervention is warranted. NRS 34.160; *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). We generally will not consider writ petitions challenging orders denying summary judgment. *Smith v. Eighth Judicial Dist. Court*, 113 Nev. 1343, 1344, 950 P.2d 280, 281 (1997). Here, petitioner has an adequate and speedy legal remedy in the form of an appeal from any adverse final judgment, precluding writ relief. NRS 34.170; *Pan*

v. Eighth Judicial Dist. Court, 120 Nev. 222, 225, 88 P.3d 840, 841 (2004); see also *Archon Corp. v. Eighth Judicial Dist. Court*, 133 Nev., Adv. Op. 101, 407 P.3d 702, 706 (2017) (recognizing that “[a] writ of mandamus is not a substitute for an appeal,” but rather, the writ should be used sparingly, “for extraordinary causes”). Additionally, trial is scheduled to recommence next week, during which the issue of ostensible agency may be further developed in a manner helpful for appellate review. Therefore, we

ORDER the petition DENIED.


_____, C.J.
Douglas


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. David M. Jones, District Judge
Alverson Taylor Mortensen & Sanders
Kenneth M. Sigelman & Associates
Christiansen Law Offices
Eighth District Court Clerk