

IN THE SUPREME COURT OF THE STATE OF NEVADA

BRIAN A. LEMPER, D.O.; BRIAN A.  
LEMPER, D.O., LTD.; THE CENTER  
FOR SURGICAL INTERVENTION, LLC;  
AND AMERICAN REGENERATIVE  
TECHNOLOGIES, LLC,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF CLARK;  
AND THE HONORABLE MARK R.  
DENTON, DISTRICT JUDGE,

Respondents,

and

IDEAL BUSINESS PARTNERS, INC.,  
Real Party in Interest.

No. 75916

**FILED**

JUL 20 2018

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

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS*

This petition for a writ of mandamus challenges a district court order denying a motion to dismiss an interpleader action. The decision to entertain a petition for a writ of mandamus is purely discretionary. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). We decline to exercise that discretion in this case for two reasons. First, we are not convinced that this matter fits an exception to the general rule that this court will not exercise its discretion to consider a writ petition that challenges a district court order denying a motion to dismiss, particularly given that the district court's decision was without prejudice. *See generally Smith v. Eighth Judicial Dist. Court*, 113 Nev. 1343, 1344-45, 950 P.2d 280, 281 (1997) (acknowledging exceptions to general rule (1) "where considerations of sound judicial economy and administration militate[ ] in favor of granting [the] petition[ ]" such as to prevent a gross miscarriage of

justice, (2) “where no disputed factual issues exist and, pursuant to clear authority under a statute or rule, the district court is obligated to dismiss the action,” or (3) where “an important issue of law requires clarification”). Second, the issues presented can be raised on appeal from a final judgment, so petitioner has a plain, speedy, and adequate remedy that precludes writ relief. NRS 34.170; *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 225, 88 P.3d 840, 841 (2004). Accordingly, we

ORDER the petition DENIED.

Pickering, J.  
Pickering

Gibbons, J.  
Gibbons

Hardesty, J.  
Hardesty

cc: Hon. Mark R. Denton, District Judge  
Jeffrey R. Albregts, LLC  
Ayon Law, PLLC  
Eighth District Court Clerk