

IN THE SUPREME COURT OF THE STATE OF NEVADA

PERFORMANCE BUILDERS, INC.;
AND RANDY SORENSON, AN
INDIVIDUAL,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CLARK;
AND THE HONORABLE RONALD J.
ISRAEL, DISTRICT JUDGE,

Respondents,

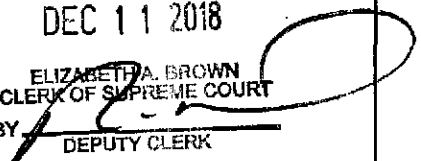
and

JACQUELYNE BAUTISTA,
INDIVIDUALLY; LEONARDO
BAUTISTA, A MINOR, BY AND
THROUGH HIS NATURAL PARENT
JACQUELYNE BAUTISTA; DAMIAN
BAUTISTA, A MINOR, BY AND
THROUGH HIS NATURAL PARENT
JACQUELYNE BAUTISTA; RICARDO
BAUTISTA, A MINOR, BY AND
THROUGH HIS NATURAL PARENT
JACQUELYNE BAUTISTA; AND
JACQUELYNE BAUTISTA, AS SPECIAL
ADMINISTRATOR OF THE ESTATE OF
RICARDO BAUTISTA ON BEHALF OF
THE ESTATE OF RICARDO BAUTISTA,
Real Parties in Interest.

No. 77466

FILED

DEC 11 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DENYING PETITION

This petition for a writ of mandamus challenges a district court order denying a motion to dismiss or for summary judgment in a wrongful death 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). And as a general rule subject to very few

exceptions, we have declined to exercise that discretion with respect to writ petitions that challenge district court orders denying motions to dismiss or motions for summary judgment. *Smith v. Eighth Judicial Dist. Court*, 113 Nev. 1343, 1344, 950 P.2d 280, 281 (1997). We adhere to the general rule here, particularly because it is not clear that the district court was obligated to grant the motion pursuant to clear statutory authority, the district court's order does not preclude petitioners from again seeking summary judgment after discovery has closed, and petitioners waited more than seven months after entry of the district court's order to file this writ petition. Accordingly, we

ORDER the petition DENIED.

Pickering, J.
Pickering

Gibbons, J.
Gibbons

Hardesty, J.
Hardesty

cc: Hon. Ronald J. Israel, District Judge
Bremer Whyte Brown & O'Meara, LLP/Las Vegas
Greenman Goldberg Raby & Martinez
Eighth District Court Clerk