

IN THE SUPREME COURT OF THE STATE OF NEVADA

CAROLIEN DE ROODE-WENTZ, M.D.;
AND CHILDREN'S BONE & SPINE
SURGERY, LLC,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
TIERRA DANIELLE JONES, DISTRICT
JUDGE,

Respondents,

and

JONATHAN GOMEZ,
Real Party in Interest.

No. 80299

FILED

JAN 03 2020

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 denying petitioners' motion to continue trial and to take a trial deposition. Petitioners have also filed an emergency motion to stay trial pending our consideration of this petition, and real party in interest has filed an opposition.

Having reviewed the parties' arguments and supporting documentation, we conclude that our extraordinary intervention is not warranted. *See Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008) (explaining that a writ of mandamus is available to compel the performance of a legally required act or to control a manifest abuse of or an arbitrary or capricious exercise of discretion). The district court carefully considered and weighed the competing interests underlying this matter, which is reaching the 5-year mark, and real party

in interest has offered to take a trial deposition before trial begins on Monday, or thereafter. Therefore, based on the information before us, we discern no manifest abuse of discretion so as to warrant our intervention, and we

ORDER the petition DENIED.¹

, C.J.
Gibbons

, J.
Stiglich

, J.
Silver

cc: Hon. Tierra Danielle Jones, District Judge
Collinson, Daehnke, Inlow & Greco
Vannah & Vannah
Eighth District Court Clerk

¹In light of this order, petitioners' emergency stay motion is denied as moot.