

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS MEDICAL GROUP, LLC,
D/B/A LAS VEGAS CARDIOVASCULAR
SURGERY SPECIALISTS;
INDEPENDENCE LAS VEGAS, LLC;
INDEPENDENCE PHYSICIAN
MANAGEMENT, LLC; VALLEY
HEALTH SYSTEM, LLC, D/B/A SPRING
VALLEY HOSPITAL; UNIVERSAL
HEALTH SERVICES, INC.; LEONARD
FREEHOF; AND MELISSA GREEN,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ELIZABETH GOFF GONZALEZ,
DISTRICT JUDGE,
Respondents,
and
CARDIOVASCULAR & THORACIC
SURGEONS OF NEVADA, INC.,
Real Party in Interest.

No. 80845

FILED

OCT 15 2020

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

ORDER DENYING PETITION

This original petition for a writ of prohibition or mandamus challenges a district court's prejudgment order granting a mistrial and awarding attorney fees and costs to real party in interest. Having reviewed the briefs and documents submitted in this matter, we decline to exercise our discretion to entertain the writ petition. *See Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) ("[T]he issuance of a writ of mandamus or prohibition is purely discretionary with this court."). Neither a writ of mandamus nor a writ of prohibition will issue when

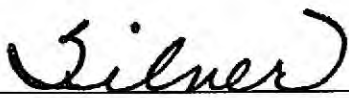
petitioner has a "plain, speedy and adequate remedy in the ordinary course of law." NRS 34.170; NRS 34.330; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). Petitioner concedes that a writ petition is generally not the appropriate vehicle for challenging the grant of a mistrial and a resulting award of attorney fees and costs. Petitioner contends, however, that the district court conditioned its stay of enforcement or execution of the attorney fees award on the filing of this petition, and an appeal would not be an adequate remedy if the attorney fees award were to be immediately enforced or executed. Because documents submitted in this matter show that the district court will entertain a stay of enforcement or execution for the duration of the proceedings should this petition be denied, we conclude that petitioner has not demonstrated at this time that an appeal from a final judgment would be an inadequate remedy. Accordingly, we

ORDER the petition DENIED without prejudice.



Gibbons


_____, J.
Stiglich


_____, J.
Silver

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Bailey Kennedy
Christensen James & Martin
Eighth District Court Clerk