

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTINA KUSHNIR, M.D.; AND
WOMEN'S CARE CENTER OF
NEVADA,
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,

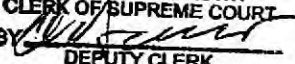
and

JENNIFER MARIE LARA; RICK YEH,
M.D.; AND ELLIS, BANDT, BIRKIN,
KOLLINS & WONG, PROF. CORP.,
D/B/A DESERT RADIOLOGISTS,
Real Parties in Interest.

No. 81654-COA

FILED

OCT 23 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying a motion in limine in a medical malpractice action.

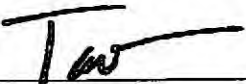
A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008). This court has discretion as to whether to entertain a petition for extraordinary relief and will not do so when the petitioner has a plain, speedy, and adequate remedy at law. NRS 34.170; *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168

P.3d 731, 736-37 (2007). Generally, an appeal from a final judgment or order is an adequate remedy precluding writ relief. *Int'l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. Petitioners bear the burden of demonstrating that extraordinary relief is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

Petitioners challenge the district court's denial of their motion in limine, seeking to exclude certain evidence from trial. Having considered the petition and supporting documents filed in this matter, we are not persuaded that this court's intervention by way of extraordinary relief is warranted. *Id.* Although petitioners believe the proffered evidence will be unduly prejudicial, they have an adequate remedy in the form of an appeal from the final judgment, should it be adverse to them. *See Williams v. Eighth Judicial Dist. Court*, 127 Nev. 518, 524, 262 P.3d 360, 364 (2011). Accordingly, we deny the petition. *See* NRAP 21(b)(1); *D.R. Horton*, 123 Nev. at 475, 168 P.3d at 737.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Tierra Danielle Jones, District Judge
McBride Hall
Hutchison & Steffen, LLC/Las Vegas
Gerald I. Gillock & Associates
O'Reilly Law Group
Eighth District Court Clerk