

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS SURGICARE, LTD., D/B/A
LAS VEGAS SURGERY CENTER,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
DAVID M. JONES, DISTRICT JUDGE,
Respondents,
and
ALLERY KANE MARQUEZ-ESPINO,
Real Party in Interest.

No. 83155

FILED

SEP 16 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus challenges a district court order denying a motion to dismiss. Having considered the petition and its documentation, we are not persuaded that our extraordinary and discretionary intervention is warranted. *See Walker v. Second Judicial Dist. Court*, 136 Nev., Adv. Op. 80, 476 P.3d 1194, 1198 (2020) (declining to grant writ relief when a later appeal was available); *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted); *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition). Generally, we will not consider writ petitions challenging orders denying motions to dismiss, and we are not persuaded that any exception to the general rule applies here. *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197-98,

179 P.3d 556, 558-59 (2008) (discussing writ petitions challenging denials of motions to dismiss); *see also Walker*, 476 P.3d at 1199 (declining to provide writ relief when the underlying issue involved factual disputes). We therefore

ORDER the petition DENIED.¹

Hardesty, C.J.
Hardesty

Stiglich, J.
Stiglich

Gibbons, Sr.J.
Gibbons

cc: Hon. David M. Jones, District Judge
Hall Prangle & Schoonveld, LLC/Las Vegas
Bighorn Law/Las Vegas
Eighth District Court Clerk

¹The Honorable Mark Gibbons, Senior Justice, participated in the decision of this matter under a general order of assignment.