

IN THE SUPREME COURT OF THE STATE OF NEVADA

TROY MOATS,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
ADRIANA ESCOBAR, DISTRICT
JUDGE,
Respondents,
and
TROY BURGESS,
Real Party in Interest.

No. 81912

FILED

JAN 27 2022

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

ORDER DENYING PETITION

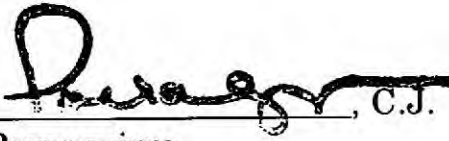
This is an original petition for a writ of mandamus challenging a district court order sustaining an objection to the discovery commissioner's recommendation that the examination of real party in interest's mental condition proceed under NRS 52.380.

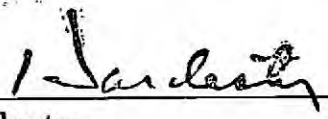
Petitioner Troy Moats argues that the district court manifestly abused its discretion by sustaining real party in interest Troy Burgess's objection to the discovery commissioner's report and recommendation concluding that NRS 52.380 supersedes NRCP 35.

The decision to entertain a writ petition is discretionary. *Davis v. Eighth Judicial Dist. Court*, 129 Nev. 116, 118, 294 P.3d 415, 417 (2013). We recently held that NRS 52.380 violates the separation of powers

doctrine. See *Lyft, Inc. v. Eighth Judicial Dist. Court*, 137 Nev., Adv. Op. 86, __ P.3d __, __ (2021). Because the district court concluded that NRCP 35 supersedes NRS 52.380, which was consistent with our holding in *Lyft*, we decline to entertain Moats's petition. Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Parraguirre

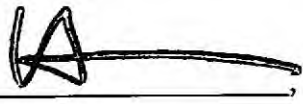

_____, J.
Hardesty


_____, J.
Stiglich


_____, J.
Cadish


_____, J.
Silver


_____, J.
Pickering


_____, J.
Herndon

cc: Hon. Adriana Escobar, District Judge
Hon. Linda M. Bell, Chief Judge
H&P Law, PLLC
Winner Booze & Zarcone
Lincoln, Gustafson & Cercos
Claggett & Sykes Law Firm
The Powell Law Firm
Eighth District Court Clerk