

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALLAN J. STAHL, M.D.; AND ALLAN J.
STAHL, M.D., P.C.,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JOSEPH HARDY, JR., DISTRICT
JUDGE,

Respondents,

and

KRISTINA DANICA SCHRAGE,
INDIVIDUALLY AND AS SPOUSE AND
NATURAL HEIR OF JOSEPH PATRICK
SCHRAGE, JR., AND ON BEHALF OF
THE ESTATE OF JOSEPH PATRICK
SCHRAGE, JR.; AND JOSEPH
PATRICK SCHRAGE, III, AND MILA
DANICA SCHRAGE, MINORS,
INDIVIDUALLY AND AS NATURAL
HEIRS OF JOSEPH PATRICK
SCHRAGE, JR., BY AND THROUGH
THEIR NATURAL PARENT AND
GUARDIAN, KRISTINA DANICA
SCHRAGE,

Real Parties in Interest.

No. 84831-COA

FILED

JUN 09 2022

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

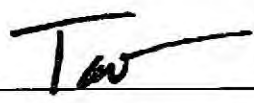
This original, emergency petition for a writ of mandamus challenges district court orders deferring ruling on a motion in limine and

denying, without prejudice, a motion for partial summary judgment in a medical malpractice and tort action.¹

Having considered the petition and supporting documentation, we are not persuaded that our extraordinary intervention is warranted. NRAP 21(b). Subject to very few exceptions, we decline to exercise our discretion to entertain writ petitions that challenge district court orders denying motions to dismiss or for summary judgment. *See Smith v. Eighth Judicial Dist. Court*, 113 Nev. 1343, 1344-45, 950 P.2d 280, 281 (1997). We decline to deviate from that rule here, particularly because the district court has not definitively ruled, the underlying matter is currently midtrial, and the issues presented can be raised on appeal from the final judgment, such that petitioners have a plain, speedy, and adequate legal remedy that precludes writ relief. NRS 34.170; *Walker v. Second Judicial Dist. Court*, 136 Nev. 678, 683, 476 P.3d 1194, 1198 (2020); *see also Moore v. Eighth Judicial Dist. Court*, 96 Nev. 415, 416-17, 610 P.2d 188, 189 (1980) (declining to issue writ relief when doing so would not resolve the entire underlying controversy). Accordingly, we

ORDER the petition DENIED.²


_____, C.J.
Gibbons


_____, J.
Tao

¹In filing their emergency petition, petitioners failed to include an NRAP 27(e)(3) certificate. NRAP 21(a)(6); *TRP Fund VI, LLC v. PHH Mortg. Corp.*, 138 Nev., Adv. Op. 21, 506 P.3d 1056, 1057-58 (2022).

²The Honorable Bonnie Bulla, Judge, did not participate in the decision of this matter.

cc: Hon. Joseph Hardy, Jr., District Judge
McBride Hall
Gerald I. Gillock & Associates
O'Reilly Law Group
Eighth District Court Clerk