

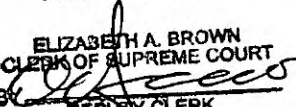
IN THE SUPREME COURT OF THE STATE OF NEVADA

BARRY JAMES RIVES, M.D.; AND
LAPAROSCOPIC SURGERY OF
NEVADA, LLC,
Petitioners,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
JOANNA KISHNER, DISTRICT
JUDGE,
Respondents,
and
TITINA FARRIS; AND PATRICK
FARRIS,
Real Parties in Interest.

No. 85143

FILED

AUG 31 2022

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This is an original petition for a writ of mandamus challenging district court rulings denying a motion to reopen discovery and striking motions in limine in a medical malpractice action.

This court has original jurisdiction to issue writs of mandamus and prohibition, and the issuance of such extraordinary relief is solely within this court's discretion. *See Nev. Const. art. 6, § 4; D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37


(2007). Petitioners bear the burden to show that extraordinary relief is warranted, and such relief is proper only when there is no plain, speedy, and adequate remedy at law. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004). An appeal is generally an adequate remedy precluding writ relief. *Id.* at 224, 88 P.3d at 841. Even when an appeal is not immediately available because the challenged order is interlocutory in nature, the fact that the order may ultimately be challenged on appeal from a final judgment generally precludes writ relief. *Id.* at 225, 88 P.3d at 841.

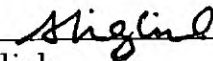
Having considered the petition, we are not persuaded that our extraordinary intervention is warranted for several reasons. To begin, petitioners have not demonstrated that an appeal from a final judgment would not be a plain, speedy, and adequate remedy. The late stage of the district court proceeding, which is on the eve of a new trial, also counsels against entertaining the writ petition. *See Archon Corp. v. Eighth Judicial Dist. Court*, 133 Nev. 816, 824, 407 P.3d 702, 709 (2017) (explaining that writ relief “must be issued sparingly and thoughtfully due to its disruptive nature”); *see also Walker v. Second Judicial Dist. Court*, 136 Nev. 678, 681, 476 P.3d 1194, 1197 (2020) (noting that where appellate relief is available, it is typically preferable to an extraordinary writ proceeding, as it affords “the advantage of having the whole case before us”). Finally, petitioners have not supplied copies of the district court orders they seek to challenge. *See Rust v. Clark Cty. Sch. Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) (explaining that a written order signed and filed by the district court is essential to this court’s review); *see also* NRAP 21(a)(4) (stating that it is the petitioner’s obligation to provide an appendix that includes all records

that may be essential to understand the matters set forth in the petition).
Accordingly, we

ORDER the petition DENIED.¹


Parraguirre, C.J.


Hardesty, J.


Stiglich, J.

cc: Hon. Joanna Kishner, District Judge
Flynn Giudici
Collinson, Daehnke, Inlow & Greco
Lemons, Grundy & Eisenberg
Schuering Zimmerman & Doyle LLP
Hand Page Sullivan Martin, LLC
Bighorn Law/Las Vegas
Claggett & Sykes Law Firm
Eighth District Court Clerk

¹Given this order, petitioners' Emergency Motion Under NRAP 27(e) for Stay Pending Writ Proceeding is denied as moot.