IN THE SUPREME COURT OF THE STATE OF NEVADA

DIGNITY HEALTH, D/B/A ST. ROSE DOMINICAN HOSPITAL-SIENA, A FORIGEN NONPROFIT CORPORATION, Petitioner, vs. THE EIGHTH JUDICIAL DISTRICT

COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE MARIA A. GALL, DISTRICT JUDGE, Respondents, and

SCOTT L. BORDELOVE, AN INDIVIDUAL; AND WENDY BORDELOVE, AN INDIVIDUAL, Real Parties in Interest. No. 85921 FILED JAN 19 2023 CLERK OF STREET A BECOMM BUTCHERK OF STREET A

23-01862

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying a motion for summary judgment and granting a request for additional discovery under NRCP 56(d).

This court has original jurisdiction to issue writs of mandamus, 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

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At interest in it is

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. As a general rule, "judicial economy and sound judicial administration militate against the utilization of mandamus petitions to review orders denying motions to dismiss and motions for summary judgment." State ex rel. Dep't of Transp. v. Thompson, 99 Nev. 358, 362, 662 P.2d 1338, 1340 (1983), as modified by State v. Eighth Judicial Dist. Court, 118 Nev. 140, 147, 42 P.3d 233, 238 (2002); see Smith v. Eighth Judicial Dist. Court, 113 Nev. 1343, 1344-45, 950 P.2d 280, 281 (1997) (recognizing that this court generally will not entertain writ petitions challenging the denial of a motion for summary judgment). Further, as this court has explained, "extraordinary writs are generally not available to review discovery orders." Valley Health Sys., LLC v. Eighth Judicial Dist. Court, 127 Nev. 167, 171, 252 P.3d 676, 678 (2011).

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Moreover, although these rules are not absolute, see Int'l Game Tech., Inc. v. Second Judicial Dist. Court, 122 Nev. 132, 142-43, 127 P.3d 1088, 1096 (2006), petitioner has not demonstrated that an appeal from a final judgment below would not afford a plain, speedy, and adequate remedy, see NRS 34.170, or that the district court's order otherwise falls within any of the narrow grounds that may warrant writ relief. Accordingly, we

ORDER the petition DENIED.¹

Stiglich C.J. J.

Cadish

Herndon

cc: Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas Christiansen Trial Lawyers Eighth District Court Clerk

¹We further conclude that the district court's invitation to petitioner to renew its motion for summary judgment after the completion of discovery militates against extraordinary relief.

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