IN THE SUPREME COURT OF THE STATE OF NEVADA

THE HEIGHTS OF SUMMERLIN, LLC, A FOREIGN LIMITED LIABILITY CORPORATION; SUMMIT CARE, LLC, A FOREIGN LIMITED LIABILITY CORPORATION; GENESIS HEALTHCARE, INC., A DOMESTIC CORPORATION, LATOYA DAVIS, INDIVIDUALLY AND AS ADMINISTRATOR, ANDREW REESE, INDIVIDUALLY AND AS ADMINISTRATOR,
Petitioners,
vs.
THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK; AND THE HONORABLE BITA YEAGER, DISTRICT JUDGE,
Respondents,
and,
JACQUELINE L. OSTRANDER, INDIVIDUALLY, AND AS SPECIAL ADMINISTRATOR, AND STATUTORY HEIR TO THE ESTATE OF SALLY LOU SCANLON; DENISE PAULEY, INDIVIDUALLY, AND AS STATUTORY HEIR TO THE ESTATE OF SALLY LOU SCANLON,
Real Parties in Interest.

No. 86206

FILED

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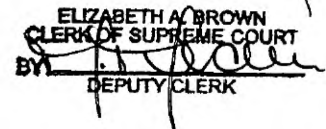


ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges district court orders denying a motion to dismiss and a motion for reconsideration.

This court has original jurisdiction to issue writs of mandamus, and the issuance of such extraordinary relief is solely within this court's

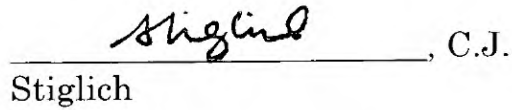
23-09080

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. 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). Although this rule is not absolute, *see Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 122 Nev. 132, 142-43, 127 P.3d 1088, 1096 (2006), petitioners have 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 orders otherwise fall within any of the narrow grounds that may warrant writ relief. Further, our extraordinary intervention is not warranted given the substantial amount of time that has elapsed since the district court issued the orders being challenged, petitioners' failure to provide an explanation for their delay in seeking writ relief, and petitioners' failure to include records in their appendix that are essential to this court's

understanding of the matters set forth in the petition, including records pertaining to the current procedural posture of the proceedings below. *See* NRAP 21(a)(4). Accordingly, we

ORDER the petition DENIED.


_______________, C.J.
Stiglich

_______________, J.
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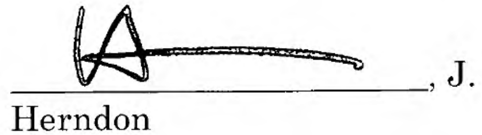
_______________, J.
Herndon

cc: Hon. Bita Yeager, District Judge
Messner Reeves LLP
J. Cogburn Law
Eighth District Court Clerk