

IN THE SUPREME COURT OF THE STATE OF NEVADA

POKROY MEDICAL GROUP OF  
NEVADA, LTD, D/B/A PEDIATRIX  
MEDICAL GROUP OF NEVADA AND  
JAMES P. ANDRUS, INDIVIDUALLY  
AND IN HIS CAPACITY AS AN AGENT  
REPRESENTATIVE OF SUMMERLIN  
HOSPITAL MEDICAL CENTER AND  
PEDIATRIX MEDICAL GROUP OF  
NEVADA,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
MARY KAY HOLTHUS, DISTRICT  
JUDGE,

Respondents,


and

MYA MONIQUE CLEAVER AND  
DEVIN TYRONE MCCANN, JR.,  
INDIVIDUALLY AND AS NATURAL  
PARENTS OF A. M. M., DECEASED  
MINOR; SUMMERLIN HOSPITAL  
MEDICAL CENTER, LLC D/B/A  
SUMMERLIN HOSPITAL MEDICAL  
CENTER; UHC HOLDING COMPANY,  
INC INDIVIDUALLY AND IN THEIR  
CAPACITY AS THE MANAGER OF  
SUMMERLIN HOSPITAL MEDICAL  
CENTER; VALLEY HEALTH  
SYSTEMS, LLC, INDIVIDUALLY AND  
IN THEIR CAPACITY AS AN  
AGENT/REPRESENTATIVE OF UHS  
HOLDING COMPANY, INC AND  
SUMMERLIN HOSPITAL MEDICAL  
CENTER AND MICHELLE M.  
MACINTOSH REGISTERED NURSE,

No. 89549

**FILED**

NOV 18 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

INDIVIDUALLY AND IN HER  
CAPACITY AS AN  
AGENT/REPRESENTATIVE OF  
SUMMERLIN HOSPITAL MEDICAL  
CENTER,  
Real Parties in Interest.

*ORDER DENYING PETITION*

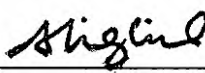
This is an original petition for a writ of mandamus seeking to compel the district court to vacate its order denying a motion for reconsideration and to grant a motion to dismiss.

The decision to entertain a petition for extraordinary writ relief lies within the discretion of this court. *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). A writ of mandamus is available only to compel the performance of a legally required act or to cure an arbitrary and capricious exercise of discretion. *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981). 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 Jud. Dist. Ct.*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004). An appeal is generally an adequate remedy precluding writ relief; 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 224-25, 88 P.3d at 841. Generally, this court will not entertain writ petitions challenging the denial of a motion to dismiss. *See Archon Corp. v. Eighth Jud. Dist. Ct.*, 133 Nev. 816, 824-25, 407 P.3d 702, 709-10 (2017).

Having considered the petition and supporting documents we are not persuaded that our extraordinary intervention is warranted. To begin, petitioners have not demonstrated a persuasive basis for deviating from the general rule that this court will not entertain writ petitions challenging the denial of a motion to dismiss. Nor have petitioners demonstrated that an appeal from a final judgment would not be a plain, speedy, and adequate remedy. Additionally, problematically, petitioners have failed to provide this court with a copy of a written district court order denying the motion for reconsideration. *See Pan*, 120 Nev. at 224, 88 P.3d at 841; *see also* NRAP 21(a)(4) (stating that it is a petitioner's responsibility to provide this court with all of the documents necessary to understand the matters set forth in the petition) Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, C.J.  
Cadish

  
\_\_\_\_\_, J.  
Stiglich

  
\_\_\_\_\_, J.  
Herndon

cc: Hon. Mary Kay Holthus, District Judge  
Hutchison & Steffen, LLC/Las Vegas  
Hall Prangle & Schoonveld, LLC/Las Vegas  
Law Offices of Shasta R. Brown, PLLC  
Eighth District Court Clerk