

IN THE SUPREME COURT OF THE STATE OF NEVADA

LYCHEE HOLDINGS, LLC. D/B/A
TRELLIS CENTENNIAL; SUSAN
MCGOUGH, R.N.; TINA ANAT, LPN;
MELIZA JAVIER, LPN; AND TONYA
DEDERA, OT,

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

GENEVIE KNEIR, AS SPECIAL
ADMINISTRATOR OF THE ESTATE
OF LYDIA PALER BANTUG; AND THE
ESTATE OF LYDIA PALER BANTUG,
Real Parties in Interest.

No. 89319

FILED

AUG 14 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DENYING PETITION

This original petition for a writ of mandamus challenges a district court's denial of a motion to dismiss and denial of a motion for reconsideration.

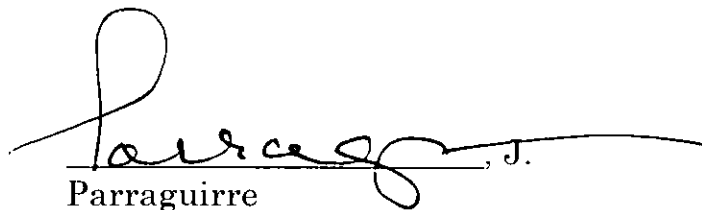
Real party in interest Genevieve Knier, on behalf of the estate of Lydia Bantug, filed a complaint for medical malpractice, among other claims, against petitioners Lychee Holdings, LLC, dba Trellis Centennial and some of its employees. Petitioners moved to dismiss the medical malpractice claims for failure to attach a sworn affidavit or unsworn declaration from a medical expert pursuant to NRS 41A.071. The district court denied the motion to dismiss, determining the medical expert's declaration attached to Knier's complaint satisfies the requirements of NRS

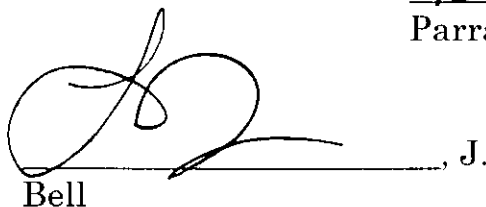
25-35641

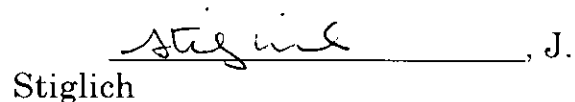
41A.071. The district court subsequently denied a motion for reconsideration filed by petitioners. Petitioners then filed the instant petition for a writ of mandamus, arguing the district court had a duty to dismiss the medical malpractice claims pursuant to NRS 41A.071 but manifestly abused its discretion in failing to do so.

Writ relief is an extraordinary remedy, and therefore “it is within the discretion of this court to determine if a petition will be considered.” *Scrimmer v. Eighth Jud. Dist. Ct.*, 116 Nev. 507, 512, 998 P.2d 1190, 1193 (2000). “Normally, this court will not entertain a writ petition challenging the denial of a motion to dismiss . . .” *Buckwalter v. Eighth Jud. Dist. Ct.*, 126 Nev. 200, 201, 234 P.3d 920, 921 (2010). And writ will not issue “if petitioner has a plain, speedy and adequate remedy in the ordinary course of law.” *Scrimmer*, 116 Nev. at 512, 998 P.2d at 1193. Here, if the district court improperly failed to dismiss the complaint, petitioners have a plain, speedy, and adequate remedy in the ordinary course of law—an appeal from final judgment. *See Walker v. Second Jud. Dist. Ct.*, 136 Nev. 678, 682-83, 476 P.3d 1194, 1198 (2020) (discussing this court’s policy that mandamus is not a substitute for appeal even where mandamus would be easier or more expeditious). Thus, we decline to exercise our original jurisdiction. Accordingly, we

ORDER the petition DENIED.


Parraguirre


Bell


Stiglich

cc: Hon. Bita Yeager, District Judge
Hutchison & Steffen, LLC/Las Vegas
Rogers, Mastrangelo, Carvalho & Mitchell, Ltd.
Eighth District Court Clerk