

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NEVADA STATE BOARD OF MEDICAL
EXAMINERS,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE TARA
CLARK NEWBERRY, DISTRICT
JUDGE, DEPARTMENT 21,
Respondents,
and
YEVGENIY KHAVKIN, M.D.,
Real Party in Interest.

No. 90521-COA

FILED

SEP 25 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY [Signature]
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This is an original petition for a writ of mandamus seeking to challenge a district court's denial of a motion to dismiss a petition for judicial review.

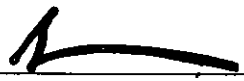
"A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion." *Int'l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008); *see also* NRS 34.160. Mandamus is an extraordinary remedy, and it is within the discretion of this court to determine if a petition will be considered. *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). Petitioner bears 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. *Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004).

25-41942

As a general rule, “judicial economy and sound judicial administration militate against the utilization of mandamus petitions to review orders denying motions to dismiss.” *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 Jud. Dist. Ct.*, 118 Nev. 140, 147, 42 P.3d 233, 238 (2002). Although this rule is not absolute, *see Int’l Game Tech., Inc. v. Second Jud. Dist. Ct.*, 122 Nev. 132, 142-43, 127 P.3d 1088, 1096 (2006), petitioner has not demonstrated that the district court’s order falls within any of the narrow grounds that may warrant writ relief.

Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Tara D. Clark Newberry, District Judge
State Board of Medical Examiners
Clark Hill PLLC
DRR Law Group
Eighth District Court Clerk