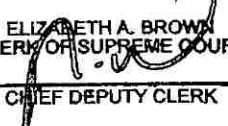


IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA CVS PHARMACY, LLC,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
CARLI LYNN KIERNY, DISTRICT
JUDGE,
Respondents,
and
DIANE PARKS,
Real Party in Interest.

No. 91591

FILED
NOV 26 2025
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This emergency petition for a writ of mandamus seeks to stay discovery pending this court's resolution of four unrelated cases. Petitioner has also filed an emergency motion to stay the district court proceedings pending our consideration of the writ petition. Real party in interest has filed an opposition and request for affirmative relief, and petitioner has filed a reply and response.

Petitioner asserts that a stay is warranted because this court, in the four unrelated cases, is considering issues identical to those being litigated below, namely, whether NRS 629.620 is unconstitutional and whether certain conditions placed on neuropsychological exams, such as video recording and the provision of raw data to counsel, are permissible. To allow for these issues to be decided in the four cases before any decision is made in the underlying proceeding, petitioner also seeks to stay the

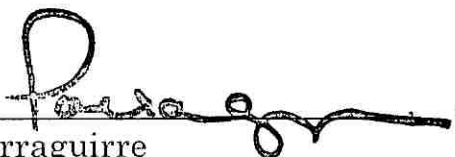
district court proceedings, including the trial scheduled for March 2026. Real party in interest, asserting that resolution of the issues before this court in the four cases will not impact the underlying matter because, here, the discovery commissioner concluded that the conditions are warranted on grounds other than NRS 629.620, opposes a stay but asks that the discovery deadline be extended by 60 days to allow time for the exam to occur. Petitioner responds that 60 days is insufficient to allow it to seek relief from the discovery commissioner's recommendations, schedule an exam, and give the examiner 30 days to produce a report.

A writ of mandamus may be issued to compel a legally required act or to control an arbitrary or capricious exercise of discretion. *Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 603-04, 637 P.2d 534, 536 (1981); *see also* NRS 34.160. Having considered the petition and supporting documents, however, we are not persuaded that our extraordinary and discretionary intervention is warranted. NRAP 21(b); *see Pan v. Eighth Jud. Dist. Ct.*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears the burden of showing such relief is warranted); *Smith v. Eighth Jud. Dist. Ct.*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (recognizing that writ relief is an extraordinary remedy and that this court has sole discretion in determining whether to entertain a writ petition). In particular, we are not convinced that the issues before this court in the four cases are necessarily the same as those before the court in the underlying proceedings. Therefore, we deny the petition.

Given this decision, we are unable to grant the motion relief requested by the parties, and we deny as moot both the stay motion and the request for affirmative relief. However, the parties appear to agree that

petitioner should be allowed a reasonably sufficient time to have an exam and report completed, and thus, the district court should take this into consideration when considering any request to extend the expert disclosure deadline.

It is so ORDERED.

 J.
Parraguirre

 J.
Bell

 J.
Stiglich

cc: Hon. Carli Lynn Kierny, District Judge
Cloward Trial Lawyers
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Eighth District Court Clerk