

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES E. BARBER, M.D., AND JAMES
E. BARBER, M.D., PROFESSIONAL
CORPORATION,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
MICHAEL CHERRY, DISTRICT
JUDGE,

Respondents,

and

NEVADA PHYSICIAN'S CHOICE,
Real Party in Interest.

No. 39046

FILED

APR 17 2002

JANET M. BLOOM
CLERK OF SUPREME COURT
BY *J. Rubard*
CHIEF DEPUTY CLERK


ORDER DENYING PETITION FOR WRIT OF MANDAMUS OR
PROHIBITION

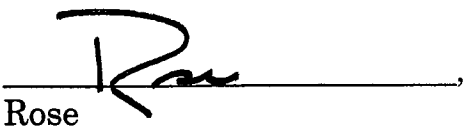
This original petition for a writ of mandamus or prohibition seeks to compel the district court to disqualify a party-appointed commercial arbitrator. Petitioners also move to stay the binding arbitration required by the parties' contract pending our resolution of this petition. Having considered the petition and the documents submitted with it, we conclude that our intervention is not warranted. Petitioners have a plain, speedy and adequate remedy in the ordinary course of law, which precludes the issuance of a writ.¹ Specifically, NRS 38.145 authorizes the district court to vacate an arbitration award in specified appropriate circumstances, and NRS 38.205 authorizes an appeal from an


¹See NRS 34.170 (mandamus); NRS 34.330 (prohibition).

order confirming or denying confirmation of an award, or any final judgment or decree. We therefore deny the writ petition.² And since our decision renders petitioners' motion moot, we also deny the motion for a stay.

It is so ORDERED.


Shearing, J.


Rose, J.


Becker, J.

cc: Hon. Michael A. Cherry, District Judge
Newman Morris & Dachelet, Ltd.
Law Offices of John R. Bailey
Lionel Sawyer & Collins/Las Vegas
Clark County Clerk

²See NRAP 21(b).