

IN THE SUPREME COURT OF THE STATE OF NEVADA

ADAM LEVY, M.D.,
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
MARK R. DENTON, DISTRICT JUDGE,
Respondents,

and

PATRICIA WATTS, AN INDIVIDUAL,
AND AS GUARDIAN AD LITEM OF
HOWARD GABRIEL WALTON, A/K/A
HOWARD GABRIEL WATTS;
RELIABLE MEDICAL CENTER, INC,
D/B/A ST. ANA MEDICAL CENTER,
A/K/A ST. ANA BIRTHING CENTER,
AND A/K/A ST. ANN'S MEDICAL
CLINIC; SHELLY FRITZ HOOPER,
R.N., A.P.N.; RAYMOND W. YIN, M.D.;
AND CHRISTOPHER ROGERS, M.D.,
LTD., D/B/A ROGERS DIAGNOSTIC
RADIOLOGY CENTER,
Real Parties in Interest.

No. 39585

FILED

JUL 16 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richardson*
CHIEF DEPUTY CLERK

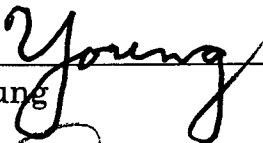
ORDER DENYING PETITION FOR WRIT OF MANDAMUS OR
PROHIBITION

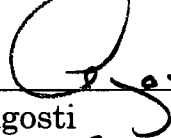
Dr. Adam Levy, a medical malpractice defendant, seeks through this petition for a writ of mandamus or prohibition to limit his potential liability on retrial to several liability. The Nevada Medical Association, Clark County Medical Society and Clark County OB/GYN Society have moved for leave to file an amicus curiae brief supporting Dr. Levy's petition.


We have reviewed the petition, and we conclude that our intervention by extraordinary writ is not warranted. A writ of mandamus or prohibition is generally only appropriate if there is no plain, speedy and adequate remedy in the ordinary course of law.¹ Here, Dr. Levy may appeal from any adverse judgment entered as a result of the new trial, and may raise as an issue on appeal any challenge he may have to the district court's pre-trial rulings.² An appeal is an adequate remedy.³ Accordingly, we deny the petition.⁴

In light of our decision, we deny the medical associations' motion for leave to file an amicus curiae brief, and we direct the clerk of this court to return unfiled the brief received on June 25, 2002.

It is so ORDERED.


_____, J.
Young


_____, J.
Agosti


_____, J.
Leavitt

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

²NRAP 3A(a) & (b)(1).

³Guerin v. Guerin, 114 Nev. 127, 131, 953 P.2d 716, 719 (1998), abrogated on other grounds by Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 5 P.3d 569 (2000).

⁴See NRAP 21(b).

cc: Hon. Mark R. Denton, District Judge
Beckley, Singleton, Chtd./Las Vegas
Bourgault & Harding
Hilton & Kahle
Schuering Zimmerman & Scully
Skinner Sutton Watson & Rounds/Las Vegas
Weldon E. Havins
Michael A. Rosenauer
Clark County Clerk