

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN G. MARTINEZ, 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

MARY DOLORES MARUSZCZAK AND
LISA M. KROL, SURVIVING HEIRS OF
ROBERT MARUSZCZAK, DECEASED;
AND EMILY WATSON, AS SPECIAL
ADMINISTRATRIX OF THE ESTATE
OF ROBERT MARUSZCZAK,
Real Parties in Interest.

No. 41045

JUN 10 2003

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

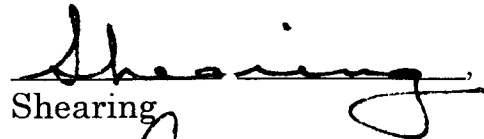
This original petition for a writ of mandamus challenges a district court order that denied petitioner's motion for summary judgment. A writ of mandamus is available to compel the district court to perform a required act,¹ or to control an arbitrary or capricious exercise of discretion.²


¹NRS 34.160.

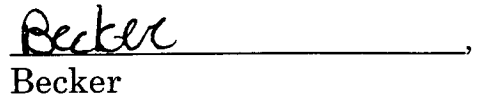
²Round Hill Gen. Imp. Dist. v. Newman, 97 Nev. 601, 637 P.2d 534 (1981).

We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted at this time.³ Accordingly, we

ORDER the petition DENIED.⁴

 J.
Shearing

 J.
Leavitt

 J.
Becker

cc: Hon. Mark R. Denton, District Judge
John H. Cotton & Associates, Ltd.
Neil G. Galatz & Associates
Clark County Clerk

³See NRAP 21(b); Smith v. District Court, 113 Nev. 1343, 950 P.2d 280 (1997).

⁴We note that it appears this court can review the district court's denial of petitioner's motion for summary judgment on direct appeal from any adverse final judgment. NRAP 3A(b)(1); see Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 971 P.2d 1251 (1998) (stating that interlocutory orders may be reviewed on appeal from final judgment).