

IN THE SUPREME COURT OF THE STATE OF NEVADA

GREGG RIPPLINGER, M.D.; AND
CHARLES B. WALTON, M.D.,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
KATHY A. HARDCASTLE, DISTRICT
JUDGE,

Respondents,

and

URBAN WITTE AND NANCY WITTE,
INDIVIDUALLY AND AS HUSBAND
AND WIFE,

Real Parties in Interest.

No. 41322

FILED

MAY 08 2003

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 petitioners' motion to dismiss. 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

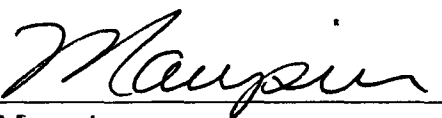
¹NRS 34.160.


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.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

cc: Hon. Kathy A. Hardcastle, District Judge
Alverson Taylor Mortensen Nelson & Sanders
Prince and Keating, LLP
Clark County Clerk

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