

IN THE SUPREME COURT OF THE STATE OF NEVADA

SUMMERLIN HOSPITAL MEDICAL  
CENTER, LLC,  
Petitioner,

vs.

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

Respondents,

and

JANE DOE; THE ESTATE OF JOHN  
DOE; MARY DOE; AND SAM DOE,  
Real Parties in Interest.

No. 41724

**FILED**

SEP 05 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 a motion in limine requesting a jury instruction explaining the legal effect of joint and several liability. A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust or station,<sup>1</sup> or to control an arbitrary or capricious exercise of discretion.<sup>2</sup> Mandamus will not issue, however, if petitioner has a plain, speedy and adequate remedy at

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<sup>1</sup>See NRS 34.160.

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

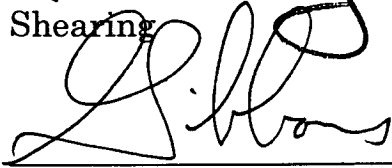
law.<sup>3</sup> Further, mandamus is an extraordinary remedy, and whether a petition will be entertained is entirely within the discretion of this court.<sup>4</sup>

We have considered this petition, and we are not satisfied that our intervention by way of extraordinary relief is warranted at this time. Accordingly, we deny the petition.<sup>5</sup>

It is so ORDERED.

  
\_\_\_\_\_, J.  
Becker

  
\_\_\_\_\_, J.  
Shearing

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Michelle Leavitt, District Judge  
Cotkin, Collins, & Ginsburg  
Eckley M. Keach, Esq.  
Murdock & Associates, Chtd.  
Clark County Clerk

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<sup>3</sup>NRS 34.170.

<sup>4</sup>Poulos v. District Court, 98 Nev. 453, 455, 652 P.2d 1177, 1178 (1982); see also Smith v. District Court, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991).

<sup>5</sup>See NRAP 21(b). We note that it appears this court can review the district court's order denying the motion in limine 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 heard on appeal from final judgment).