

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEEANN CLARK, INDIVIDUALLY,
Appellant,
vs.
ROMAN A. SIBEL, M.D.,
INDIVIDUALLY; NEVADA
ORTHOPEDIC & SPINE CENTER, LLP;
JOHN T. GOODSELL, D.O.,
INDIVIDUALLY; JOHN T. GOODSELL,
D.O., PROFESSIONAL CORPORATION;
AND ANESTHESIA ASSOCIATES,
INC.,
Respondents.

No. 55326

FILED

JUL 18 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a district court dismissal in a medical malpractice action. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.


The district court dismissed appellant's case for failure to comply with NRCP 16.1(b)(1)'s requirements regarding an early case conference. In addition to finding that appellant had failed to establish compelling and extraordinary circumstances necessary to extend the time for holding the early case conference, see NRCP 16.1(b)(1), the district court also considered the circumstances of this case and the factors relevant for determining whether dismissal of the action was appropriate, concluding in part that respondents had not caused the delay and appellant had not shown good cause for the delay. See Arnold v. Kip, 123 Nev. 410, 415-16, 168 P.3d 1050, 1053-54 (2007). Based on these considerations, we conclude that the district court did not abuse its discretion by dismissing the action. See NRCP 16.1(e)(1) (providing that

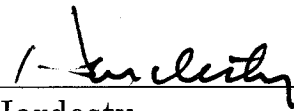
the district court may dismiss a case as to a particular defendant if the early case conference is not held within 180 days after appearance by that defendant); Arnold, 123 Nev. at 414, 168 P.3d at 1052 (reviewing a district court dismissal under NRCP 16.1(e)(2) for an abuse of discretion).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Douglas


_____, J.
Saitta


_____, J.
Hardesty

cc: Hon. Linda Marie Bell, District Judge
Stephen E. Haberfeld, Settlement Judge
Shumway Van & Hansen
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
John H. Cotton & Associates, Ltd.
Eighth District Court Clerk