

IN THE SUPREME COURT OF THE STATE OF NEVADA

PHC-ELKO, INC., A NEVADA  
CORPORATION, D/B/A  
NORTHEASTERN NEVADA  
REGIONAL HOSPITAL; AND  
LIFEPOINT HOSPITALS, INC.,  
Petitioners,

vs.

THE FOURTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF ELKO;  
AND THE HONORABLE WILLIAM  
ROGERS, DISTRICT JUDGE,  
Respondents,

and

GEORGE A. WINCH, JR., AN  
INDIVIDUAL; GEORGE A. WINCH,  
M.D., A NEVADA PROFESSIONAL  
CORPORATION, D/B/A ELKO  
WOMEN'S HEALTH CENTER,  
Real Parties in Interest.

No. 75366

**FILED**

FEB 01 2019

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS OR PROHIBITION*

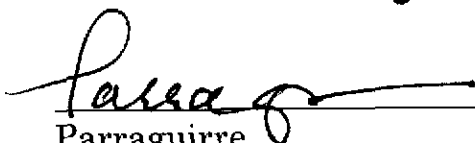
This original petition for a writ of mandamus or prohibition challenges a district court order denying a motion for summary judgment in a contract and tort action.

Having considered the petition and supporting documents, we conclude that our extraordinary and discretionary intervention is not warranted. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). First, we are not persuaded that petitioners have demonstrated that the order denying summary judgment qualifies for extraordinary writ review. *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008) ("A writ of mandamus is

available to compel . . . an act [which] the law requires . . . or to control an arbitrary or capricious exercise of discretion.” (footnote omitted)); see *Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004) (observing that the party seeking writ relief bears burden of showing such relief is warranted). Second, judicial economy weighs against entertaining the petition because granting the requested relief would only immunize petitioners from liability for money damages; the prayer for equitable relief would remain. *Moore v. Eighth Judicial Dist. Court*, 96 Nev. 415, 417, 610 P.2d 188, 189 (1980) (observing that writ relief may be inappropriate when granting the requested relief will not resolve the entire underlying controversy). Finally, petitioners have an adequate remedy in the form of an appeal from any adverse final judgment. *Pan*, 120 Nev. at 224, 88 P.3d at 841 (recognizing that the right to appeal is an adequate legal remedy that may preclude writ relief). Accordingly, we

ORDER the petition DENIED.

  
\_\_\_\_\_, J.  
Pickering

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cadish

cc: Chief Judge, Fourth Judicial District Court  
Hon. William G. Rogers, Senior Judge  
Hall Prangle & Schoonveld, LLC/Las Vegas  
Whitehead & Whitehead  
Copenhaver & McConnell, LLC  
Elko County Clerk