

IN THE SUPREME COURT OF THE STATE OF NEVADA

KYUNG CHANG INDUSTRY USA,
INC., D/B/A KCI USA, A NEVADA
CORPORATION,

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
DAVID M. JONES, DISTRICT JUDGE,

Respondents,

and

DION GREEN, AS PERSONAL
REPRESENTATIVE OF THE ESTATE
OF DERRICK FUDGE, DECEASED;
DION GREEN, INDIVIDUALLY, AND
AS SURVIVING CHILD OF DERRICK
FUDGE, DECEASED; LASANDRA
JAMES, AS GUARDIAN OF HANNAH
OGLESBY, SURVIVING MINOR CHILD
OF LOIS OGLESBY, DECEASED;
LASANDRA JAMES, AS GUARDIAN OF
REIGN LEE, SURVIVING MINOR
CHILD OF LOIS OGLESBY,
DECEASED; DANITA TURNER, AS
PERSONAL REPRESENTATIVE OF
THE ESTATE OF LOGAN M. TURNER,
DECEASED; DANITA TURNER, AS
SURVIVING PARENT OF LOGAN
TURNER, DECEASED; MICHAEL
TURNER, AS SURVIVING PARENT OF
LOGAN TURNER, DECEASED;
NADINE WARREN, AS PERSONAL
REPRESENTATIVE OF THE ESTATE
OF BEATRICE NICOLE WARREN-
CURTIS, DECEASED; AND NADINE

No. 84844

FILED

MAR 14 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

WARREN, AS SURVIVING PARENT OF
BEATRICE NICOLE WARREN-
CURTIS, DECEASED,
Real Parties in Interest.

ORDER DENYING PETITION FOR WRIT OF MANDAMUS


This original petition for a writ of mandamus challenges a district court order denying a motion to dismiss.

“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 or to control an arbitrary or capricious exercise of discretion.” *Int’l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008) (footnotes omitted). The consideration of a writ petition is within this court’s sole discretion. *State, Dep’t of Tax’n v. Eighth Judicial Dist. Court*, 136 Nev. 366, 368, 466 P.3d 1281, 1283 (2020). This court’s general policy is to decline to consider writ petitions challenging district court orders denying motions to dismiss. *Int’l Game Tech.*, 124 Nev. at 197, 179 P.3d at 558. Petitioners bear the burden of demonstrating that extraordinary relief is warranted. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 228, 88 P.3d 840, 844 (2004). When disputed issues of fact are critical in demonstrating the propriety of extraordinary relief, those factual issues should be resolved in the first instance in the district court. *See Round Hill Gen. Improvement Dist. v. Newman*, 97 Nev. 601, 604, 637 P.2d 534, 536 (1981).

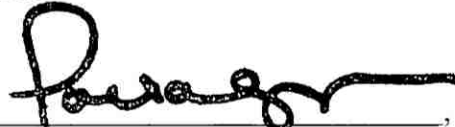
Having considered the parties’ briefing and the record, we conclude that petitioner has not demonstrated that our extraordinary intervention is warranted at this stage in the proceedings. *See Pan*, 120

Nev. at 228, 88 P.3d at 844. Accordingly, we deny the petition. *See Dep't of Tax'n*, 136 Nev. at 368, 466 P.3d at 1283.

It is so ORDERED.


_____, J.
Herndon


_____, J.
Lee


_____, J.
Parraguirre

cc: Hon. David M. Jones, District Judge
Marquis Aurbach Chtd.
Cooper & Elliott/Columbus OH
Claggett & Sykes Law Firm
Sloan, Hatcher, Perry, Runge, Robertson, Smith & Jones/TX
Brady/Wash DC
Eighth District Court Clerk