

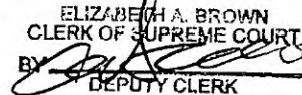
IN THE SUPREME COURT OF THE STATE OF NEVADA

DIGNITY HEALTH, D/B/A ST. ROSE
DOMINICAN HOSPITAL-SAN MARTIN
CAMPUS,
Petitioners,
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
BLAIR HEATH; AND ROBERT HEATH,
Real Parties in Interest.

No. 86424

FILED

MAY 05 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

*ORDER DENYING PETITION FOR WRIT OF MANDAMUS
REGARDING MOTION TO DISMISS*

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

This court has original jurisdiction to issue writs of mandamus, and the issuance of such extraordinary relief is solely within this court's discretion. *See Nev. Const. art. 6, § 4; D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 123 Nev. 468, 474-75, 168 P.3d 731, 736-37 (2007). Petitioner bears the burden to show that extraordinary relief is warranted, and such relief is proper only when there is no plain, speedy, and adequate remedy at law. *See Pan v. Eighth Judicial Dist. Court*, 120 Nev. 222, 224, 228, 88 P.3d 840, 841, 844 (2004). An appeal is generally an adequate remedy precluding writ relief. *Id.* at 224, 88 P.3d at 841. Even when an appeal is not immediately available because the challenged order is interlocutory in

nature, the fact that the order may ultimately be challenged on appeal from a final judgment generally precludes writ relief. *Id.* at 225, 88 P.3d at 841.

Having considered the petition, we are not persuaded that our extraordinary intervention is warranted. As a general rule, “judicial economy and sound judicial administration militate against the utilization of mandamus petitions to review orders denying motions to dismiss and motions for summary judgment.” *State ex rel. Dep’t of Transp. v. Thompson*, 99 Nev. 358, 362, 662 P.2d 1338, 1340 (1983), *as modified by State v. Eighth Judicial Dist. Court*, 118 Nev. 140, 147, 42 P.3d 233, 238 (2002). Although this rule is not absolute, *see Int’l Game Tech., Inc. v. Second Judicial Dist. Court*, 122 Nev. 132, 142-43, 127 P.3d 1088, 1096 (2006), petitioner has not demonstrated that an appeal from a final judgment below would not afford a plain, speedy, and adequate remedy, *see* NRS 34.170, or that the district court’s order otherwise falls within any of the narrow grounds that may warrant writ relief. Accordingly, we

ORDER the petition DENIED.

 Stiglich , C.J.
Stiglich

 Cadish , J.
Cadish

 Herndon , J.
Herndon

cc: Hon. David M. Jones, District Judge
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Gerald I. Gillock & Associates
O’Reilly Law Group
Eighth District Court Clerk