

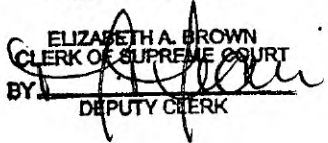
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRADLEY BURGER, D.O.; AND
SOUTHWEST MEDICAL ASSOCIATES,
INC.,
Petitioners,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE TARA
D. CLARK NEWBERRY, DISTRICT
JUDGE,
Respondents,
and,
ZELDA LOPEZ, AN INDIVIDUAL,
Real Party in Interest.

No. 86001-COA

FILED

AUG 16 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

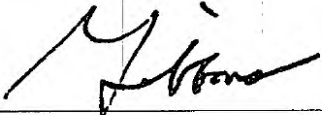
This petition for a writ of mandamus challenges a district court order denying a motion to dismiss punitive damages during the pleading stage.

Having considered the petition and its supporting documents, we are not persuaded that our extraordinary and discretionary intervention is warranted. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991) (“Mandamus is a proper remedy to compel performance of a judicial act when there is no plain, speedy, and adequate remedy at law in order to compel performance of an act which the law requires as a duty resulting from office.”); *see also Int’l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 559 (2008) (observing that writ relief is typically not afforded to denials of motions to dismiss unless “no factual dispute exists and the district court is obligated to dismiss an action

pursuant to clear authority under a statute or rule”); NRS 34.160 (providing guidance for when appellate courts may issue a writ). Further, petitioners have failed to demonstrate that our intervention is warranted at the pleading stage of the proceedings.¹

Accordingly, we

ORDER the petition DENIED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Tara D. Clark Newberry, District Judge
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP/Las Vegas
Eighth District Court Clerk

¹We note that an award of punitive damages is a remedy and not a cause of action. *Droge v. AAAA Two Star Towing, Inc*, 136 Nev. 291, 313, 468 P.3d 862, 881 (2020) (holding that “punitive damages is a remedy, not a cause of action”).