

IN THE SUPREME COURT OF THE STATE OF NEVADA

PHC-ELKO, INC., D/B/A
NORTHEASTERN NEVADA
REGIONAL HOSPITAL,
Petitioner,

vs.

THE FOURTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF ELKO;
AND THE HONORABLE KRISTON N.
HILL, DISTRICT JUDGE,

Respondents,

and

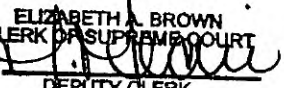
DIANE SCHWARTZ, INDIVIDUALLY
AND AS SPECIAL ADMINISTRATOR
OF THE ESTATE OF DOUGLAS R.
SCHWARTZ,

Real Party in Interest.

No. 85588

FILED

AUG 17 2023

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

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus and prohibition¹ challenges a district court order denying partial summary judgment on the issue of whether the \$50,000 limit on claims for damages resulting from treatment for “traumatic injuries” pursuant to NRS 41.503(1) and (4)(b) applies to plaintiff’s claims as a matter of law.

¹Petitioner seeks a writ of mandamus and/or prohibition, but it makes no argument as to why prohibition relief would apply here and the district court’s order denying the renewed motion for partial summary judgment does not implicate the standard under which a writ of prohibition may be appropriate. See *Las Vegas Sands Corp. v. Eighth Judicial Dist. Court*, 130 Nev. 643, 649, 331 P.3d 905, 909 (2014) (recognizing that a writ of prohibition is appropriate when a district court exceeds its jurisdiction).

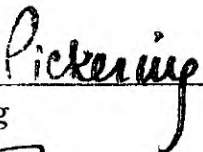
Having considered petitioner Northeastern Nevada Regional Hospital (NNRH)'s arguments and supporting documents, we conclude that the issues raised do not merit our discretionary and extraordinary intervention. *Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 679, 818 P.2d 849, 851, 853 (1991). First, we are not persuaded that NNRH has demonstrated that the order denying partial summary judgment qualifies for writ relief. *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) (explaining that petitioner bears the burden of showing that such relief is warranted). NNRH fashions the petition's issue—whether the \$50,000 cap on civil damages in NRS 41.503 applies to Diane's claims—as one of law. But NRS 41.503's application is fact-bound because it depends on determining the extent and severity of Douglas' injuries, which are disputed here. See *Walker v. Second Judicial Dist. Court*, 136 Nev. 678, 684, 476 P.3d 1194, 1199 (2020) (explaining why the existence of factual disputes weighs against writ intervention).


Second, judicial economy weighs against entertaining the petition because granting the requested relief would only immunize NNRH from liability for money damages beyond the statutory cap, while other issues would remain. See *Moore v. Eighth Judicial Dist. Court*, 96 Nev. 415, 417, 610 P.2d 188, 189 (1980) (observing that writ is generally not warranted when granting the requested relief will not resolve the entire controversy). Finally, NNRH has an adequate legal remedy in the form of an appeal from any adverse final judgment. See *State ex rel. Dep't of Transp.*

v. Thompson, 99 Nev. 358, 362, 662 P.2d 1338, 1340 (1983) (observing that this court generally declines to entertain writ petitions seeking interlocutory review of a district court's non-dispositive summary judgment rulings because an appeal from any adverse final judgment is an adequate legal remedy); *see also* NRCP 54(b) (specifying a certification procedure for interlocutory review of certain summary judgment rulings). Accordingly, on this record, extraordinary relief is not appropriate. Therefore, we

ORDER the petition DENIED.


_____, J.
Cadish


_____, J.
Pickering


_____, J.
Bell

cc: Hon. Kriston N. Hill, District Judge
Hall Prangle & Schoonveld/Reno
Hall Prangle & Schoonveld, LLC/Las Vegas
Claggett & Sykes Law Firm
Elko County Clerk