

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE HEIGHTS OF SUMMERLIN, LLC,
A FOREIGN LIMITED LIABILITY
CORPORATION; SUMMIT CARE, LLC,
A FOREIGN LIMITED LIABILITY
CORPORATION; GENESIS
HEALTHCARE, INC., A DOMESTIC
CORPORATION; NEWGEN
OPERATIONS MANAGEMENT, LLC, A
FOREIGN LIMITED LIABILITY
CORPORATION; LATOYA DAVIS,
INDIVIDUALLY AND AS
ADMINISTRATOR; AND ANDREW
REESE, INDIVIDUALLY AND AS
ADMINISTRATOR,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE BITA
YEAGER, DISTRICT JUDGE,

Respondents,

and

JACQUELINE L. OSTRANDER,
INDIVIDUALLY, AND AS SPECIAL
ADMINISTRATOR, PERSONAL
REPRESENTATIVE AND STATUTORY
HEIR TO THE ESTATE OF SALLY LOU
SCANLON; AND DENISE PAULEY,
INDIVIDUALLY, AND AS STATUTORY
HEIR TO THE ESTATE OF SALLY LOU
SCANLON,

Real Parties in Interest.

No. 87547

FILED

DEC 08 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *E. Reese*
DEPUTY CLERK

ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order denying a motion for summary judgment.

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). Petitioners bear 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), petitioners have 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. Bita Yeager, District Judge
Hutchison & Steffen, LLC/Las Vegas
J. Cogburn Law
Eighth District Court Clerk