

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALI PIROOZI, M.D.,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
JAMES M. BIXLER, DISTRICT JUDGE,  
Respondents,  
and  
TIFFANI D. HURST AND BRIAN  
ABBINGTON, JOINTLY AND ON  
BEHALF OF THEIR MINOR CHILD,  
MAYROSE LILI-ABBINGTON HURST;  
AND MARTIN BLAHNIK, M.D.,  
Real Parties in Interest.

No. 64946

**FILED**

**FEB 10 2014**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
DEPUTY CLERK

*ORDER DIRECTING ANSWER,  
DENYING STAY WITHOUT PREJUDICE, AND  
DENYING MOTION FOR LEAVE TO JOIN IN PETITION*

This emergency original petition for a writ of mandamus challenges a district court order granting a motion in limine in a medical malpractice action.

Having reviewed the petition, it appears that petitioner has set forth issues of arguable merit and that he may have no plain, speedy, and adequate remedy in the ordinary course of the law. Therefore, real parties in interest, on behalf of respondents, shall have 15 days from the date of this order within which to file and serve an answer, including authorities, against issuance of the requested writ. Petitioner shall have 5 days from service of the answer to file and serve any reply.

Petitioner has also moved for a stay of the challenged district court order pending resolution of his writ petition. We conclude that a

stay is not warranted because petitioner has not shown that he complied with the terms of NRAP 8(a), which requires that an application for a stay be made first to the district court. Accordingly, we deny petitioner's motion for stay, without prejudice to petitioner's right to file a renewed motion after compliance with NRAP 8(a).

On February 6, 2014, real party in interest Martin Blahnik, M.D. filed a joinder to petitioner's petition for a writ of mandamus. We construe this document as a motion for leave to join the petition. Here, Blahnik seeks to join in the request for extraordinary relief made by petitioner and seeks affirmative relief on his own behalf. But Blahnik has not complied with the procedural requirements for seeking extraordinary writ relief, including, among other things, the payment of a filing fee. *See* NRAP 21(e) (requiring payment of a filing fee when a petition for extraordinary relief is filed in this court). Accordingly, Blahnik's motion to join in this petition is denied. If Blahnik wishes to seek extraordinary relief on his own behalf, he should do so by filing his own original writ petition in this court. We also direct the clerk of this court to remove Blahnik as a real party in interest in this matter. Blahnik shall have 11 days, however, to file and serve any motion telling this court why he should be added back as a real party in interest.

It is so ORDERED.

Pickering, J.  
Pickering

Parraguirre, J.  
Parraguirre

Saitta, J.  
Saitta

cc: Hon. James M. Bixler, District Judge  
Cotton, Driggs, Walch, Holley, Woloson & Thompson/Las Vegas  
Prince & Keating, LLP  
Eisenberg Gilchrist & Cutt  
Mandelbaum, Ellerton & McBride  
Eighth District Court Clerk