

IN THE SUPREME COURT OF THE STATE OF NEVADA

PRO PETROLEUM, LLC; RIP GRIFFIN  
TRUCK SERVICE CENTER, INC.; AND  
DAVID YAZZIE, JR.,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
SUSAN JOHNSON, DISTRICT JUDGE,  
Respondents,

and

DAKOTA JAMES LARSEN,  
Real Party in Interest.

No. 83536

**FILED**

**NOV 10 2021**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DENYING STAY*

This original petition for a writ of mandamus or prohibition challenges a district court order compelling a physical examination of real party in interest under NRCP 53 and NRS 52.380. Petitioners argue that, to the extent the district court allowed recording and an observer under NRS 52.380, the order should be stricken, as NRS 52.380 unconstitutionally conflicts with NRCP 53. An answer to the petition has been ordered.<sup>1</sup>

Currently before this court is petitioners' emergency motion for a stay, which seeks to stay the district court proceedings pending our consideration of the writ petition. Having considered the motion under the factors set forth in NRAP 8(c), we conclude that the factors do not militate in favor of a stay. In particular, petitioners have not demonstrated that any

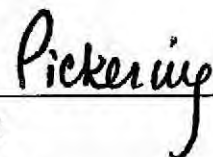
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<sup>1</sup>Real party in interest's motion for a 30-day extension to file the answer is granted; thus, the answer is due on or before December 13, 2021.

irreparable harm to them outweighs potential irreparable harm to real party in interest. Further, it is not clear that a stay of the proceedings would also stay real party in interest's upcoming surgery. Nothing in this order, however, should be read to condone conduct that disrupts or impedes the examination or as suggesting that the court will not address any such conduct should it occur. Therefore, we deny the motion for stay.

It is so ORDERED.

, J.  
Cadish

, J.  
Pickering

, J.  
Herndon

cc: Hon. Susan Johnson, District Judge  
Grant & Associates  
Claggett & Sykes Law Firm  
Eighth District Court Clerk