

IN THE SUPREME COURT OF THE STATE OF NEVADA

RUSSELL GOLLARD, M.D.,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE ERIC  
JOHNSON, DISTRICT JUDGE,  
Respondents,  
and  
STEPHANIE V. HIDALGO,  
Real Party in Interest.

No. 85164

FILED

SEP 23 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER DENYING PETITION*

This is an original petition for a writ of mandamus challenging a district court order denying a motion to dismiss in a medical malpractice action.

This court has original jurisdiction to issue writs of mandamus and the decision to entertain a petition for a writ of mandamus is within our sole discretion. *See Nev. Const. art. 6, § 4; Smith v. Eighth Judicial Dist. Court*, 107 Nev. 674, 677, 818 P.2d 849, 851 (1991). 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.

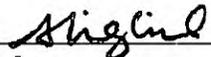


Having considered the petition, we are not persuaded that our extraordinary intervention is warranted. To begin, petitioner has not demonstrated that an appeal from a final judgment would not be a plain, speedy, and adequate remedy. Nor has petitioner demonstrated a persuasive basis for deviating from the general rule that this court will not entertain writ petitions challenging the denial of a motion to dismiss. See *Archon Corp. v. Eighth Judicial Dist. Court*, 133 Nev. 816, 824-25, 407 P.3d 702, 709-10 (2017). Accordingly, we

ORDER the petition DENIED.

  
Parraguirre, C.J.

  
Hardesty, J.

  
Stiglich, J.

cc: Hon. Eric Johnson, District Judge  
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas  
Clark Newberry Law Firm  
Eighth District Court Clerk