

IN THE SUPREME COURT OF THE STATE OF NEVADA

FLOYD SANDS, INDIVIDUALLY, AS
NATURAL FATHER OF AND HEIR OF
STEPHANIE SUZANNE SANDS AND
AS CO-EXECUTOR AND
REPRESENTATIVE OF THE ESTATE
OF SUZANNE SANDS; MARY R. FAY,
INDIVIDUALLY, AS NATURAL
MOTHER AND HEIR OF STEPHANIE
SUZANNE SANDS AND AS GUARDIAN
OF EWAN MIKEL SANDS, A MINOR;
SIERRA SANDS, INDIVIDUALLY AND
AS NATURAL SISTER OF AND HEIR
OF STEPHANIE SUZANNE SANDS;
JASON AARON SANDS,
INDIVIDUALLY AND AS NATURAL
BROTHER OF AND HEIR OF
STEPHANIE SUZANNE SANDS; AND
EWAN MIKEL SANDS, A MINOR,
INDIVIDUALLY AND AS NATURAL
HEIR OF STEPHANIE SUZANNE
SANDS,

Petitioners,

vs.

THE SECOND JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
WASHOE, AND THE HONORABLE
JAMES W. HARDESTY, DISTRICT
JUDGE, AND THE HONORABLE
STEVEN P. ELLIOTT, DISTRICT
JUDGE,

Respondents,

and

KINDER MORGAN ENERGY
PARTNERS, A MASTER LIMITED
PARTNERSHIP; ENRON LIQUIDS
PIPELINE, L.P.; OPERATING
PARTNER SFPP, L.P., (FORMERLY

No. 43117

FILED

JUN 14 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

SANTA FE PACIFIC PIPELINES, INC);
KMGP SERVICES COMPANY, INC.;
KINDER MORGAN GP, INC.; KINDER
MORGAN SERVICES, LLC, A LIMITED
LIABILITY COMPANY; KINDER
MORGAN LAS VEGAS, LLC; KINDER
MORGAN OPERATING LIMITED
PARTNERSHIP "D", AND OTHER
KINDER MORGAN BUSINESS
ENTITIES AND BUSINESS ENTITIES
FORMED BY AND ASSOCIATED WITH
AND/OR DOING BUSINESS WITH
AND/OR AS KINDER MORGAN "D";
RICHARD D. KINDER; WILLIAM V.
MORGAN; SANTA FE PACIFIC
PIPELINE PARTNERS, L.P.; SANTA FE
PACIFIC LIMITED PARTNERSHIP;
SANTA FE PACIFIC PIPELINES, INC.;
SOUTHERN PACIFIC PIPE LINES
U.S.A., PARTNERSHIP; SFPP,
LIMITED PARTNERSHIP; SFPP, L.P.;
KINDER MORGAN; SOUTHERN
PACIFIC TRANSPORTATION
COMPANY; SOUTHERN PACIFIC RAIL
CORPORATION; KINDER MORGAN
L.P. "D," GENERAL PARTNER OF
KMP; KINDER MORGAN, INC. (KMI);
CALNEV PIPELINE LLC;
INTERENERGY RESOURCES CORP.;
SOUTHERN PACIFIC
TRANSPORTATION COMPANY;
SOUTHERN PACIFIC RAIL
CORPORATION; CHURCHILL
COUNTY, A POLITICAL SUBDIVISION
IN THE STATE OF NEVADA; CITY OF
FALLON, A POLITICAL SUBDIVISION
IN CHURCHILL COUNTY IN THE
STATE OF NEVADA; UNION PACIFIC
RAILROAD COMPANY, (FORMERLY
SOUTHERN PACIFIC
TRANSPORTATION COMPANY) AND

SOUTHERN PACIFIC
TRANSPORTATION COMPANY;
KENNAMETAL, INC. (KMT); SANTA
FE PACIFIC PIPELINES, INC.;
LANDOWNER OF 1755 AUCTION
ROAD (APT. 203); LANDOWNERS AND
OPERATORS OF OTHER REAL
PROPERTY WHERE REMEDIATION
OF PETROLEUM EXISTS OR IS
TAKING PLACE IN FALLON, NEVADA
AND/OR CHURCHILL COUNTY;
COOPER AND SONS ELY; BRIAN
COOPER; SHANE COOPER; FATHER
OF BRIAN AND SHANE COOPER,
INDIVIDUALLY AND AS A BUSINESS;
AND TRUCKEE CARSON IRRIGATION
DISTRICT (TCID),

Real Parties in
Interest.

CITY OF FALLON, A POLITICAL
SUBDIVISION IN CHURCHILL
COUNTY IN THE STATE OF NEVADA,
Appellant,

vs.

RICHARD JERNEE, INDIVIDUALLY
AND AS NATURAL FATHER OF AND
HEIR OF ADAM JERNEE; PILAR
JERNEE, INDIVIDUALLY AND AS
NATURAL MOTHER OF AND HEIR OF
ADAM JERNEE; AND TONNIE
SAVAGE, AS SPECIAL
ADMINISTRATOR OF AND AS
REPRESENTATIVE OF THE ESTATE
OF ADAM JERNEE,

Respondents.

CITY OF FALLON, A POLITICAL
SUBDIVISION IN CHURCHILL
COUNTY OF THE STATE OF NEVADA,
Appellant,

vs.

FLOYD SANDS, INDIVIDUALLY, AS

No. 42889

No. 43321

NATURAL FATHER OF AND HEIR OF
STEPHANIE SUZANNE SANDS AND
AS CO-EXECUTOR AND
REPRESENTATIVE OF THE ESTATE
OF STEPHANIE SUZANNE SANDS;
MARY R. FAY, INDIVIDUALLY AND
AS NATURAL MOTHER AND HEIR OF
STEPHANIE SUZANNE SANDS AND
AS GUARDIAN OF EWAN MIKEL
SANDS, A MINOR; SIERRA SANDS,
INDIVIDUALLY AND AS NATURAL
SISTER AND HEIR OF STEPHANIE
SUZANNE SANDS; JASON AARON
SANDS, INDIVIDUALLY AND AS
NATURAL BROTHER AND HEIR OF
STEPHANIE SUZANNE SANDS; AND
EWAN MIKEL SANDS,
INDIVIDUALLY AND AS NATURAL
HEIR OF STEPHANIE SUZANNE
SANDS,

Respondents.

ORDER DISMISSING PETITION AND APPEALS

The petition for a writ of mandamus and prohibition filed in Docket No. 43117 challenges district court orders concerning a peremptory challenge and case reassignment. The consolidated appeals in Docket Nos. 42889 and 43321 challenge district court orders denying motions for a change of venue. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

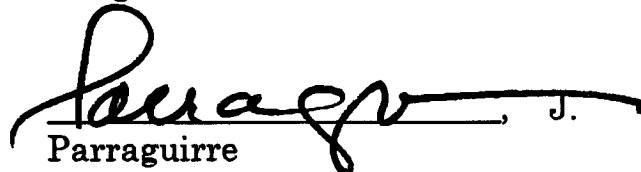
On June 7, 2005, the parties in these matters filed (1) a stipulation and request for dismissal of the writ petition, and to lift any and all stays, in Docket No. 43117, and (2) a stipulation and request for dismissal of the consolidated appeals, to lift any and all stays, and for a remand to the district court in Docket Nos. 42889 and 43321. Cause

appearing, we approve the stipulations. We dismiss the writ petition in Docket No. 43117 and lift the stay imposed on April 27, 2004, in District Court Case No. CV0305326. Further, we dismiss the appeals in Docket Nos. 42889 and 43321 and remand the matter to the district court for further proceedings pursuant to the parties' agreement.

It is so ORDERED.


_____, J.
Maupin


_____, J.
Douglas


_____, J.
Parraguirre

cc: Hon. Steven P. Elliott, District Judge
Robert Eisenberg, Settlement Judge
Calvin R.X. Dunlap
Hale Lane Peek Dennison & Howard/Reno
Jenkins & Carter
Walther Key Maupin Oats Cox & LeGoy
Monique Laxalt
Masry & Vititoe
Jenkins & Carter
Washoe District Court Clerk