

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 preemptory 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.

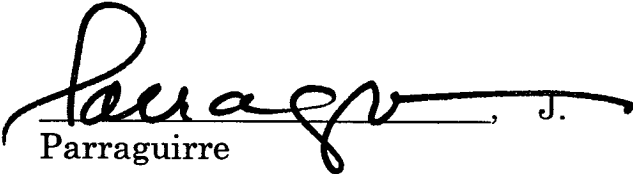
On June 7, 2005, the parties in these matters filed (1) a stipulation and request for dismissal of the writ petition, and to lift any and all stays, in Docket No. 43117, and (2) a stipulation and request for dismissal of the consolidated appeals, to lift any and all stays, and for a remand to the district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