

IN THE SUPREME COURT OF THE STATE OF NEVADA

LUSARDI CONSTRUCTION CO., A
CALIFORNIA CORPORATION,
Appellant,
vs.
LEHMAN RE, LTD., AS SUCCESSOR-
IN-INTEREST TO LEHMAN
BROTHERS HOLDINGS, INC., A
BERMUDA CORPORATION,
Respondent.

No. 57897

FILED

MAR 22 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Ingold*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order granting a preliminary injunction. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.

Respondent has filed a status report, stating that the district court has granted a motion to dismiss in the underlying matter, and in the context of granting the motion, the district court vacated the preliminary injunction that is the subject of this appeal.¹ Respondent has attached a copy of the district court's order. Given that the preliminary injunction was vacated during the appeal's pendency, the appeal is now moot. See University Sys. v. Nevadans for Sound Gov't, 120 Nev. 712, 720, 100 P.3d 179, 186 (2004) (recognizing that cases presenting live controversies at the time of their inception may become moot by the occurrence of subsequent events); Berkeley Community Health Project v. City of Berkeley, 119 F.3d


¹The underlying district court proceedings were not stayed pending appeal.

794, 795 (9th Cir. 1997) (dismissing an appeal as moot since, in the meantime, the district court vacated its preliminary injunction).

Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Kathy A. Hardcastle, District Judge
Thomas J. Tanksley, Settlement Judge
Lincoln, Gustafson & Cercos
Gerrard Cox & Larsen
Eighth District Court Clerk