

IN THE SUPREME COURT OF THE STATE OF NEVADA

SICOR, INC.; TEVA PARENTERAL
MEDICINES, INC. F/K/A SICOR
PHARMACEUTICALS, INC.; BAXTER
HEALTHCARE CORPORATION; AND
MCKESSON MEDICAL-SURGICAL,
INC.,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK; AND THE HONORABLE
MICHELLE LEAVITT, DISTRICT
JUDGE,

Respondents,

and

MEGAN T. GASPER; AND THOMAS J.
GASPER, II,
Real Parties in Interest.

No. 58059

FILED

MAY 13 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER DISMISSING PETITION

This original petition for a writ of mandamus challenges a district court order denying a motion to postpone the May 9, 2011, trial date of the underlying Endoscopy Center case.

On April 20, 2011, this court directed petitioners to show cause why the petition should not be dismissed as moot because the May 9 trial date had been vacated. In response, petitioners have requested that their petition be withdrawn. They further request that the withdrawal be without prejudice to their right to refile the petition at a later date, if necessary. Real parties in interest have not filed any reply to petitioners' response or otherwise expressed their opposition to this request. We construe petitioners' request to withdraw their petition as a motion for

voluntary dismissal and grant the motion. Accordingly, the petition is dismissed, without prejudice to petitioners' right to refile their petition at a later date if deemed necessary.

It is so ORDERED.

 _____, C.J.

cc: Hon. Michelle Leavitt, District Judge
Greenberg Traurig, LLP/Las Vegas
Lewis & Roca, LLP/Las Vegas
Olson, Cannon, Gormley & Desruisseaux
Kemp, Jones & Coulthard, LLP
Mainor Eglet
Eighth District Court Clerk