

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD SWEATT AND LYDIA  
SWEATT, INDIVIDUALLY,

No. 36936

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
JAMES C. MAHAN, DISTRICT JUDGE,

Respondents,

and

ROBERT KATZMAN, AN INDIVIDUAL;  
ED GARDOCKI, AN INDIVIDUAL;  
AND NOAH, INC., A NEVADA  
CORPORATION,

Real Parties In Interest.

**FILED**

NOV 07 2001

JANE ILE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

ORDER DISMISSING PETITION FOR  
WRIT OF MANDAMUS AND DIRECTING  
COUNSEL TO SHOW CAUSE REGARDING SANCTIONS

This original petition for a writ of mandamus, filed November 1, 2000, challenges a district court order extending the close of escrow for a receiver's sale of petitioners' property, and seeks to compel the district court to obtain a greater sales price. After reviewing the petition and accompanying exhibits, we directed the real parties in interest to file an answer. In response to our order, however, petitioners filed a Notice of Change of Status, stating that the district court has already terminated the escrow and approved the sale of petitioners' property to a new buyer for a greater sales price. Petitioners state they are withdrawing their petition "because the issues justifying the Supreme Court's intervention have been rendered moot." We construe petitioners' Notice of Change of Status as a motion to dismiss their writ petition, and we grant the motion.<sup>1</sup>

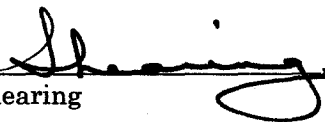
<sup>1</sup>See NRAP 42(b).

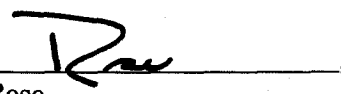
We also note, however, that petitioners' counsel failed to either notify this court that the petition had become moot or move to withdraw the petition until after we had ordered the real parties in interest to file an answer. As a consequence of petitioners' counsel's inaction, this court wasted valuable and limited judicial resources reviewing and ordering an answer to the moot petition.

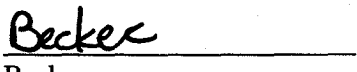
Accordingly, petitioners' counsel, P. Sterling Kerr, shall have fifteen days from the date of this order within which to show cause why he should not be sanctioned for wasting this court's resources. In responding to this order, petitioners' counsel shall submit a file-stamped copy of the district court order terminating the escrow and approving the sale of petitioners' property to a new buyer.

Finally, the real parties in interest have failed to comply with this court's September 26, 2001 Order Directing Answer. An answer was due no later than October 26, 2001. Petitioners' filing of the Notice of Change of Status did not relieve the real parties in interest of their obligation to comply with this court's order. As such, counsel for the real parties in interest, Peter S. Christiansen, shall have fifteen days from the date of this order within which to show cause why he should not be sanctioned for ignoring an order of this court.

It is so ORDERED.

  
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Shearing J.

  
\_\_\_\_\_  
Rose J.

  
\_\_\_\_\_  
Becker J.

cc: Hon. James C. Mahan, District Judge  
Kerr & Associates  
Kajioka, Christiansen & Toti  
Alverson Taylor Mortensen Nelson & Sanders  
Clark County Clerk