

IN THE SUPREME COURT OF THE STATE OF NEVADA

BELLAGIO, LLC,  
Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
KATHY A. HARDCASTLE, DISTRICT  
JUDGE,

Respondents,

and

FRANCISCO HERNANDEZ,  
Real Party in Interest.

No. 39672

FILED

OCT 31 2002

JANET M. GLOU,  
CLERK OF SUPREME COURT

BY *J. Richards*  
DEPUTY CLERK

ORDER DISMISSING PETITION FOR WRIT OF MANDAMUS

This is an original petition for a writ of mandamus challenging a district court order denying petitioner's motion to dismiss the complaint for failure to serve within 120 days from the date it was filed. On October 8, 2002, we directed petitioner to show cause why this petition should not be dismissed as moot because the district court's docket entries indicated that the underlying action had been dismissed with prejudice on September 25, 2002. To date, we have not received a response to our order. We construe petitioner's failure to respond as a concession that this petition is moot, and accordingly, we

ORDER the petition DISMISSED.

*Rose* J.  
Rose

*Young* J.  
Young

*Agosti* J.  
Agosti

cc: Hon. Kathy A. Hardcastle, District Judge  
Paula C. Gentile  
Randall W. Tindall  
Joseph A. Scalia II  
Clark County Clerk