

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH PASQUINZO, D/B/A SQUALY'S
LANDSCAPE AND MAINTENANCE,
AND D/B/A SQUALY'S LANDSCAPE
COMPANY,
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
VALERIE ADAIR, DISTRICT JUDGE,
Respondents,
and
CAPITAL PACIFIC HOMES, INC.,
F/K/A DURABLE HOMES INC.,
Real Party in Interest.

No. 41060

FILED

MAR 12 2004

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

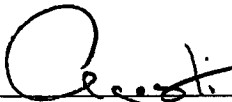
ORDER DISMISSING PETITION FOR
WRIT OF MANDAMUS OR PROHIBITION


This is an original petition for a writ of mandamus or prohibition seeking a stay of all proceedings in the action below, including trial, until a personal representative for deceased petitioner Keith Pasquinzo's estate is properly substituted in the action. On October 24, 2003, we directed petitioners to show cause why this petition should not be dismissed as moot because on July 14, 2003, the district court entered an order appointing a public administrator for Pasquinzo's estate. To date, we have not received a response to our October order. We construe

petitioners' failure to respond as a concession that this petition is moot, and accordingly, we

ORDER the petition DISMISSED.¹


_____, J.
Becker


_____, J.
Agosti


_____, J.
Gibbons

cc: Hon. Valerie Adair, District Judge
Brady, Vorwerck, Ryder & Caspino
Gonzalez Howard & Reade, Ltd.
Clark County Clerk

¹In light of this order, we vacate the temporary stay imposed by our March 10, 2003 order.