

IN THE SUPREME COURT OF THE STATE OF NEVADA

ANC, INC., D/B/A AMERICAN NEVADA CORPORATION; GREEN VALLEY DEVELOPMENT, A NEVADA LIMITED PARTNERSHIP; AND SILVER SPRINGS, INC., A NEVADA CORPORATION,  
Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, AND THE HONORABLE MICHAEL CHERRY, DISTRICT JUDGE,

Respondents,

and

GREEN VALLEY RANCH COMMUNITY ASSOCIATION, INC.,  
Real Party in Interest.

No. 41683

**FILED**

NOV 10 2003

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

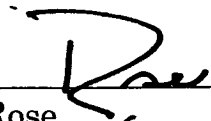
ORDER DISMISSING PETITION FOR  
WRIT OF MANDAMUS

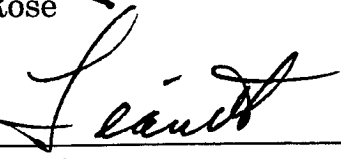
This original petition for a writ of mandamus challenges a district court order granting the real party in interest's motion for a protective order concerning its expert witness under a "dual capacity" theory. On October 20, 2003, the parties filed a stipulation, which states

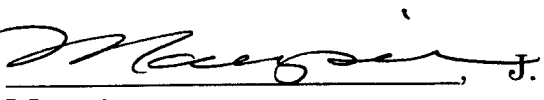
that the parties have reached a tentative settlement, and so have agreed to dismiss this petition with each party to bear its own costs.<sup>1</sup>

In light of the stipulation, we vacate our August 20, 2003, order directing an answer, and we dismiss this petition. Each party shall bear its own costs.

It is so ORDERED.

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

  
\_\_\_\_\_, J.  
Leavitt

  
\_\_\_\_\_, J.  
Maupin

cc: Hon. Michael A. Cherry, District Judge  
Lincoln, Gustafson & Cercos  
Vannah Costello Canepa Riedy Rubino & Lattie  
Clark County Clerk

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<sup>1</sup>The parties indicate that they wish the dismissal to be without prejudice to a new petition in the event the settlement is not consummated. We note that a petition for extraordinary relief invokes this court's original jurisdiction. Accordingly, no rule or statute bars a future petition. Additionally, as the merits of this petition have not been addressed, the law of the case doctrine does not apply.