

IN THE SUPREME COURT OF THE STATE OF NEVADA

SIENA OFFICE PARK 2, LLC, A NEVADA LIMITED LIABILITY COMPANY; SIENA OFFICE PARK 3, LLC, A NEVADA LIMITED LIABILITY COMPANY; SOP 871, LLP, A NEVADA LIMITED LIABILITY COMPANY; GROWTH VISION, LLC, A NEVADA LIMITED LIABILITY COMPANY; SOP EQUITY LLC, A NEVADA LIMITED LIABILITY COMPANY; SOP 871 MM, INC., A NEVADA CORPORATION; R.O.C.S.E.V. CAPITAL, LLC, A NEVADA LIMITED LIABILITY COMPANY; VESCOR PREFERRED EQUITY, LLC, A NEVADA LIMITED LIABILITY COMPANY; AND VAL SOUTHWICK,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CLARK, AND THE HONORABLE MARK R. DENTON, DISTRICT JUDGE, Respondents,

and

D&J PROPERTIES, LLC, A NEVADA LIMITED LIABILITY COMPANY; Real Party in Interest.

No. 50993

FILED

JUN 12 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER DISMISSING PETITION FOR WRIT OF MANDAMUS

This original petition for a writ of mandamus challenges a district court order that denied petitioners' motion to disqualify opposing counsel. Real party in interest has requested an extension of time to file its answer, based on a federal district court order appointing a receiver for

petitioner Vescor Preferred Equity, LLC, as well as other related entities that are not parties to this petition, and staying all proceedings against these entities. Real party in interest states that, before the receiver was appointed, the parties to this writ petition had reached a settlement; however, before the settlement could be finalized, the action was stayed by the federal court's order and the receiver has not had sufficient time to determine whether the settlement should be approved. Real party in interest requests an indefinite extension of time to file an answer and indicates that it would file a status report within 90 days to inform this court of further developments.

We conclude that this petition should be dismissed at this time, without prejudice, and we therefore deny the motion. If the receivership stay is lifted and the underlying matter is not settled, then petitioners are free to file a new petition. Alternatively, if the receiver determines, after having had time to review the matter, that the petition should be renewed, then he may do so. Accordingly, the petition is dismissed, without prejudice.

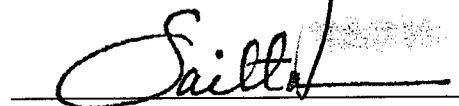
It is so ORDERED.


_____, J.

Maupin


_____, J.

Cherry


_____, J.

Saitta

cc: Hon. Mark R. Denton, District Judge
Lionel Sawyer & Collins/Las Vegas
Deaner, Deaner, Scann, Malan & Larsen
Eighth District Court Clerk
Prince, Yeates & Geldzahler