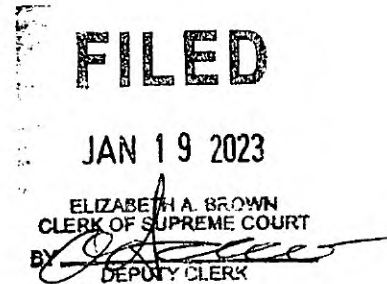


IN THE SUPREME COURT OF THE STATE OF NEVADA

COMSTOCK RESIDENTS
ASSOCIATION; AND JOE MCCARTHY,
Appellants,
vs.
LYON COUNTY BOARD OF
COMMISSIONERS; AND COMSTOCK
MINING INCORPORATED,
Respondents.

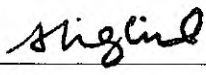
No. 83463



ORDER DENYING EN BANC RECONSIDERATION

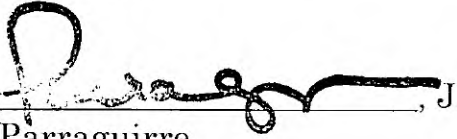
Having considered the petition on file herein, we have concluded that en banc reconsideration is not warranted. NRAP 40A. Accordingly, we


ORDER the petition DENIED.


_____, C.J.
Stiglich


_____, J.
Herndon


_____, J.
Lee


_____, J.
Parraguirre


_____, J.
Bell

CADISH and PICKERING, J.J., dissenting:

We would grant en banc reconsideration of this matter. Although we can compel en banc reconsideration pursuant to NRAP 40A(f);

see also IOP Rule 12(c), we elect to dissent from this order because our votes would not change the ultimate outcome of this appeal.

Cadish, J.
Cadish

Pickering, J.
Pickering

cc: Leonard Law, PC
John L. Marshall
Allison MacKenzie, Ltd.
Lyon County District Attorney