

PHIL McGRANE, Clerk  
By ERIC ROWELL  
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA


GERALD ROSS PIZZUTO, JR., )  
)  
)  
Petitioner, )  
) Case No. CV01-22-00888  
vs. )  
)  
ASHLEY DOWELL, ET AL., )  
) ORDER OF DISMISSAL  
)  
)  
Respondents. )  
\_\_\_\_\_ )

The court previously stayed this proceeding, pending disposition of a consolidated appeal before the Idaho Supreme Court. The parties indicated to the court that resolution of the State’s consolidated appeal to the Idaho Supreme Court, on the merits, would essentially moot the proceedings here. *See* Order to Stay Proceedings Pending Disposition of Appeal (May 25, 2022)

The parties have informed the court that the Idaho Supreme Court has issued a decision on the merits as to the consolidated appeal<sup>1</sup> and that a remittitur has been issued.<sup>2</sup> *See State v. Pizzuto*, \_\_\_ Idaho \_\_\_, 518 P.3d 796 (2022).

In view of the foregoing, the stay is lifted and this action is dismissed as moot.

SO ORDERED AND DATED THIS 21<sup>ST</sup> day of November 2022.

  
\_\_\_\_\_  
Michael E. McLennan  
Magistrate Judge

<sup>1</sup>See Notice of Idaho Supreme Court Opinion (August 24, 2022).

<sup>2</sup>The respondents have filed a (second) motion to dismiss (dated November 2, 2022), referencing the Idaho Supreme Court’s decision and providing a copy of the remittitur (dated October 28, 2022). *See* Respondents’ Exhibit B. The respondents reiterate in their supporting memorandum that this action is now moot, as the parties previously indicated to the court it would be, if the appeal was resolved on the merits. As of this date, no response has been filed to the respondents’ (second) dismissal motion.

## CERTIFICATE OF MAILING

I, Phil McGrane, the undersigned authority, do hereby certify that I have mailed, by United States Mail, or emailed, one copy of the above ORDER as notice pursuant to the Idaho Rules to each of the following addressed as follows:

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PHIL MCGRANE  
Clerk of the District Court  
Ada County, Idaho

Date: 11/22/2022

By *Erin Rowell*  
Deputy Clerk

