

IN THE SUPREME COURT OF THE STATE OF NEVADA

JANET M. GUINN,
Appellant,
vs.
NEVADA MENTAL HEALTH
INSTITUTE; AND THE STATE OF
NEVADA BOARD OF
PSYCHOLOGICAL EXAMINERS,
Respondents.

No. 44447

FILED

APR 25 2005

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

ORDER OF AFFIRMANCE

This is a proper person appeal from an interlocutory district court order denying a motion for a preliminary injunction in a breach of contract/intentional tort action. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

Proper person appellant Janet Guinn filed a district court complaint for monetary damages in November 2000,¹ alleging that respondents Nevada Mental Health Institute and the State of Nevada Board of Psychological Examiners (the State Board) violated various contractual obligations, committed fraudulent and negligent misrepresentation, and intentionally interfered with prospective business relationships. On October 4, 2004, Guinn, in proper person, filed a motion in the district court for sanctions and for a preliminary injunction. In it, Guinn requests, among numerous other things, a preliminary injunction "pending trial returning [Guinn's] State salary/position and the property

¹At the time the complaint was filed, Guinn was represented by counsel.

of her professional license (without further requirement or review).” On November 24, 2004, the district court denied Guinn’s motion.

Guinn timely appealed the district court’s order denying her motion for a preliminary injunction. The State Board then filed a motion to dismiss this appeal, asserting that because Guinn’s district court motion was not supported by citations to authority, only mentions the term “preliminary injunction” twice, and does not clearly define any injunctive relief that the court would have had the power to grant, the order denying the motion should not be considered appealable under NRAP 3A(b)(2).² Guinn submitted motions for leave to proceed in proper person under NRAP 46(b) in order to file (1) an opposition to the State Board’s motion to dismiss this appeal, (2) a motion for expedited consideration of this appeal, (3) a motion for the correction of this appeal’s caption, apparently to include the State of Nevada as a separate entity, and (4) a motion to “supplement” this appeal to include this court’s review of an April 5, 2005 district court order granting the State Board summary judgment and denying Guinn’s countermotion for summary judgment. We grant Guinn’s motions for leave to proceed in proper person for the limited purpose of filing the four proposed motions.³

The State Board’s motion to dismiss this appeal is denied. In addition, we deny as moot Guinn’s motion for expedited consideration of

²NRAP 3A(b)(2) authorizes appeals from district court orders refusing to grant injunctions.

³The clerk of this court shall file Guinn’s requests for leave to proceed in proper person and her proposed motions, provisionally received in this court on January 10, 2005; March 25, 2005; and April 13, 2005.

this appeal, and we deny her motions to correct the caption and to supplement this appeal.⁴

Finally, determining whether to grant or deny a preliminary injunction is within the district court's sound discretion.⁵ NRS 33.010(1) authorizes an injunction when it appears from the complaint that the plaintiff is entitled to the relief requested and at least part of the relief consists of restraining the challenged act. Before a preliminary injunction will issue, the applicant must show "(1) a likelihood of success on the merits; and (2) a reasonable probability that the non-moving party's conduct, if allowed to continue, will cause irreparable harm for which compensatory damage is an inadequate remedy."⁶ Having reviewed the trial court record, we conclude that the district court did not abuse its discretion in denying Guinn's motion for a preliminary injunction. Guinn failed to demonstrate that a preliminary injunction preventing respondents from refusing to maintain her employment or to pay her a

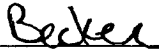
⁴See NRS 41.031(2) (permitting actions against the State "on relation of the particular department, commission, board or other agency of the State whose actions are the basis for the suit"); NRAP 3 (governing the manner in which an appeal may be taken); see also Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (stating that, unless certified as final under NRCP 54(b), "a final judgment is one that disposes of all the issues presented in the case, and leaves nothing for the future consideration of the court, except for post-judgment issues such as attorney's fees and costs").


⁵University Sys. v. Nevadans for Sound Gov't, 120 Nev. ___, 100 P.3d 179 (2004).


⁶Id. at ___, 100 P.3d at 187 (quoting S.O.C., Inc. v. The Mirage Casino-Hotel, 117 Nev. 403, 408, 23 P.3d 243, 246 (2001)).

salary, or from revoking her license to practice psychology, was warranted in this instance. Accordingly, we affirm the district court's order.

It is so ORDERED.


_____, C.J.
Becker


_____, J.
Rose


_____, J.
Gibbons

cc: Hon. Brent T. Adams, District Judge
Attorney General Brian Sandoval/Carson City
Attorney General Brian Sandoval/Reno
Janet M. Guinn
Washoe District Court Clerk