

IN THE SUPREME COURT OF THE STATE OF NEVADA

LANDMARK PROPERTIES U.S., INC.,
A NEVADA CORPORATION; AND
LANDMARK MIDWEST LIMITED, A
NEVADA CORPORATION,
Appellants,

vs.

DESERT HOT SPRINGS PROPERTIES,
LLC, A MINNESOTA LIMITED
LIABILITY COMPANY,
Respondent.

No. 51272

FILED

APR 08 2008

TRAZIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order directing appellants to convene stockholder meetings to elect corporate directors. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

The stockholder meetings were apparently held without objection on February 28, 2008, and at that time, a new director was elected for both corporations. Thereafter, the corporations' former director filed a notice of appeal on the corporations' behalves, challenging the district court's conclusion that respondent was a stockholder entitled to seek elections of directors in the first place. Respondent has moved to dismiss this appeal, asserting that the current director did not authorize the appeal and arguing, among other things, that the former director had no authority to file or to pursue this appeal on the corporations' behalves. Appellants, through their former director, have opposed the motion.

Under NRS 78.120(1), the current corporate directors have "full control" over the corporation's affairs. Here, the corporations' sole director has moved to dismiss the appeal. Accordingly, as the corporations

do not wish to challenge the district court's order and no other party has appealed, we

ORDER this appeal DISMISSED.¹

Maupin, J.
Maupin

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

cc: Hon. Mark R. Denton, District Judge
Bill C. Hammer, Settlement Judge
McDonald Carano Wilson LLP/Las Vegas
Lionel Sawyer & Collins/Las Vegas
Eighth District Court Clerk

¹See NRAP 42(b); Doe v. Bryan, 102 Nev. 523, 525, 728 P.2d 443, 444 (1986) (explaining that this court has consistently required "an actual justiciable controversy as a predicate to judicial relief"). This order does not preclude the former director from challenging the district court's order through a petition for extraordinary writ relief.

In light of this order, we deny as moot appellants' motion for a stay.