

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL D.S. EDWARDS,  
Appellant,  
vs.  
PROFESSIONAL COLLECTION  
CONSULTANTS A/K/A PCC AND  
DONALD K. HOPP, II,  
Respondents.

No. 54307

**FILED**

**FEB 10 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *J. Hopp*  
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is a proper person appeal from district court orders dismissing a complaint for lack of jurisdiction and denying a post-judgment motion for a new trial. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

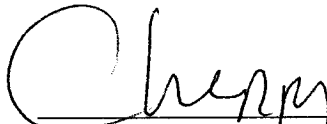
Appellant filed a complaint against respondents in district court seeking damages and injunctive relief for alleged violations of the Telephone Consumer Protection Act of 1991 (47 U.S.C. § 227 (2005)) (TCPA) and various provisions of the Nevada Revised Statutes. The district court dismissed the complaint after concluding that the amount in controversy could not exceed \$10,000, and thus jurisdiction lay with the justice court, as set forth by NRS 4.370, rather than the district court. The district court subsequently entered an order denying appellant's post-judgment motion to vacate the prior order and seeking a new trial pursuant to NRCP 59(a). Appellant has appealed these rulings to this court.


On appeal, appellant argues, among other things, that the district court erred in dismissing his complaint because his claim for


injunctive relief provided a proper basis for the district court's jurisdiction and therefore the district court acquired jurisdiction over the entirety of Edwards' complaint, regardless of whether the monetary threshold was met. In response, respondents contend that appellant added his cause of action for injunctive relief merely to provide a basis for conferring jurisdiction on the district court, that appellant should not prevail on the merits of his claim, and that this case will not further the purposes behind the TCPA's allowance of injunctive relief.

This court has determined, on multiple occasions, that when a plaintiff seeks injunctive relief under the TCPA, the district court generally acquires jurisdiction over the entirety of the complaint, regardless of whether the monetary threshold is met. See Edwards v. Emperor's Garden Rest., 122 Nev. 317, 324, 130 P.3d 1280, 1284-85 (2006); Edwards v. Direct Access, LLC, 121 Nev. 929, 933, 124 P.3d 1158, 1161 (2005), abrogated on other grounds by Buzz Stew, LLC v. City of North Las Vegas, 124 Nev. 224, 181 P.3d 670 (2008). Further, from reviewing the record, we do not view Edwards' request for statutory injunctive relief as made solely for the purposes of fraudulently or improperly invoking the district court's jurisdiction. See Emperor's Garden, 122 Nev. at 324, 130 P.3d at 1284. Accordingly, as the district court erroneously dismissed the complaint, see id., at 323, 130 P.3d at 1284 (noting that this court rigorously reviews district court orders dismissing complaints), we therefore

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.<sup>1</sup>

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Pickering

cc: Hon. Jackie Glass, District Judge  
Paul D.S. Edwards  
Bullivant Houser Bailey  
Eighth District Court Clerk

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<sup>1</sup>As we conclude that dismissal was improper, we need not address Edwards' new trial motion. Additionally, while Edwards also appeals from a district court minute order awarding respondents \$500 in attorney fees, as a minute entry is unenforceable for any purposes, we lack jurisdiction to consider the award. See State, Div. Child & Fam. Servs. v. Dist. Ct., 120 Nev. 445, 451, 92 P.3d 1239, 1243 (2004) (noting that a minute order is "ineffective for any purpose") (emphasis in the original, internal quotations omitted). Inasmuch as we are reversing the district court's dismissal order on which the award of fees was based, however, the district court may wish to reconsider the award.