

IN THE SUPREME COURT OF THE STATE OF NEVADA

HOUSING AUTHORITY OF THE CITY  
OF NORTH LAS VEGAS, A NEVADA  
GOVERNMENTAL ENTITY,  
Appellant,  
vs.  
CITIBANK (SOUTH DAKOTA) N.A.,  
SUCCESSOR-IN-INTEREST TO  
CITIBANK (NEVADA) N.A.,  
Respondent.

No. 56451

**FILED**

NOV 21 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Tracie K. Lindeman*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order appointing a receiver. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

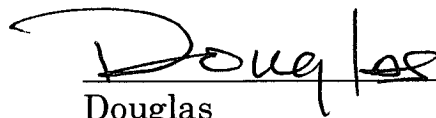
Respondent has filed a motion to dismiss this appeal as moot, pointing out that the receiver has since been discharged. Appellant opposes the motion, asserting that the capable of repetition but evading review exception to mootness should apply to this matter. Appellant also argues that a different exception to the mootness doctrine, for public policy issues, should apply, because the issue here is of substantial public importance and the district courts “need clear guidance concerning whether a bank can evade Nevada law exempting public property from execution by cloaking the bank’s efforts in the form of a receivership.”

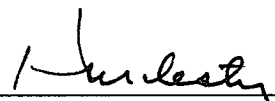
Respondent replies that appellant has not identified any factors that would lead to application of any exception to the mootness doctrine. Respondent points out that appellant does not dispute that it no longer exists, and thus there is no likelihood that the same complaining party would be subject to a similar action. As for a public interest exception to mootness, respondent asserts that appellant has not provided any substantive analysis as to why this exception should apply, and that

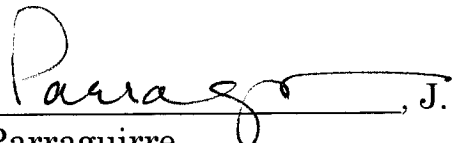
this court has recognized that its duty is to resolve actual controversies, not issue advisory opinions. Respondent argues that since appellant sat on its rights by failing to (1) seek a stay of the receivership order, (2) seek an order enjoining the nonjudicial foreclosure sale, and (3) oppose the motion to discharge the receiver, an advisory opinion should not be rendered.<sup>1</sup>

Having considered the motion, opposition, and reply, we agree with respondent that this appeal is moot and therefore grant the motion. Personhood Nevada v. Bristol, 126 Nev. \_\_\_, \_\_\_, 245 P.3d 572, 574 (2010). Accordingly, we

ORDER this appeal DISMISSED.<sup>2</sup>

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

cc: Hon. Elissa F. Cadish, District Judge  
Lansford W. Levitt, Settlement Judge  
Parker, Nelson & Associates  
Ballard Spahr Andrews & Ingersoll, LLP  
Eighth District Court Clerk

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<sup>1</sup>Appellant sought a stay of the foreclosure sale in the district court, but the motion was denied for lack of jurisdiction since the foreclosure was a nonjudicial trustee's sale.

<sup>2</sup>In light of this order we deny as moot appellant's motion for an extension of time to file the opening brief. We direct the clerk of this court to return unfiled, appellant's proposed opening brief, provisionally received on November 7, 2011.