

IN THE SUPREME COURT OF THE STATE OF NEVADA

PRIVATE MEDIA GROUP, INC., A  
NEVADA CORPORATION; BERTH H.  
MILTON, JR., AN INDIVIDUAL;  
JOHAN CARLBERG, AN INDIVIDUAL;  
PETER DIXINGER, AN INDIVIDUAL;  
BO RODEBRANT, AN INDIVIDUAL;  
JOHAN GILLBORG, AN INDIVIDUAL;  
AND PHILIP CHRISTMAS, AN  
INDIVIDUAL,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
ELIZABETH GOFF GONZALEZ,  
DISTRICT JUDGE,

Respondents,

and

CONSIPIO HOLDING, BV, A  
CORPORATION ORGANIZED UNDER  
THE LAWS OF THE NETHERLANDS;  
ILAN BUNIMOVITZ, AN INDIVIDUAL;  
TISBURY SERVICES, INC., A  
CORPORATION ORGANIZED UNDER  
THE LAWS OF THE BRITISH VIRGIN  
ISLANDS; AND CLAUDIO GIANASCIO,  
AN INDIVIDUAL,

Real Parties in Interest.

No. 57266

**FILED**

NOV 02 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER DISMISSING PETITION

This is an original petition for a writ of mandamus or prohibition challenging a district court order confirming a party's right to vote certain shares of stock.


On October 21, 2010, the district court entered an order that enabled real party in interest Consipio Holding BV to vote 5.6 million shares at petitioner Private Media Group, Inc.'s (PRVT) November 2010 annual shareholder's meeting. Subsequently, PRVT filed this petition for writ relief, seeking to vacate the district court order and to stay the decision regarding which entity has the right to vote the shares until the New York litigation concluded. The district court invalidated this election in a June 20, 2011 order. This court directed the parties to show cause why this case is not moot. As directed, the parties have responded to our show cause order.

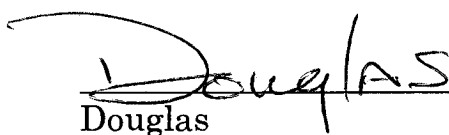
In its response, PRVT argues that this matter is not moot because the October 21<sup>st</sup> order has not been materially modified, the district court is treating it as a continuing order, and enforcement will be sought at any upcoming election. Consipio argues that because this writ petition seeks relief only from the district court's October 21<sup>st</sup> order relating to its voting rights at the November shareholder election, and the district court invalidated the election, this case is moot. In making this argument, Consipio concedes that the October 21<sup>st</sup> order is of no continuing force and effect. Consipio further argues that this case does not fall under the mootness exception for important issues that are capable of repetition.

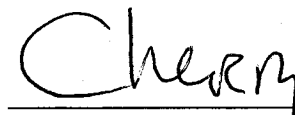
Based on Consipio's concessions, we conclude this case is moot and does not fall under the mootness exception for important issues that are capable of repetition. "[A] controversy must be present through all stages of the proceeding, and even though a case may present a live controversy at its beginning, subsequent events may render the case moot." Personhood Nevada v. Bristol, 126 Nev. \_\_\_, \_\_\_, 245 P.3d 572, 574


(2010) (citations omitted). If, however, a matter involves issues of widespread importance that are capable of repetition, yet evading review, we may consider the case. Id. Here, the election's invalidation rendered the writ petition moot, and since the issue is factually specific to that election, it is not capable of repetition. Accordingly, because this matter is moot, we

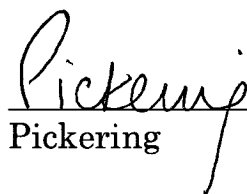
ORDER this petition DISMISSED.

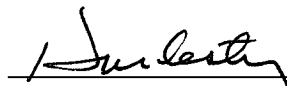
  
\_\_\_\_\_, C.J.  
Saitta

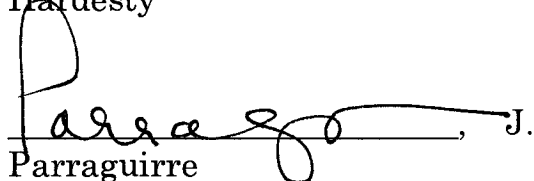
  
\_\_\_\_\_, J.  
Douglas

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

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

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

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

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

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
Laxalt & Nomura, Ltd./Reno  
Lionel Sawyer & Collins/Las Vegas  
Eighth District Court Clerk