

IN THE SUPREME COURT OF THE STATE OF NEVADA

BOB BELLIS, INDIVIDUALLY; AND  
KENT DAGNALL, INDIVIDUALLY,  
Appellants,  
vs.  
CITY OF LAS VEGAS; CITY OF LAS  
VEGAS, OFFICE OF THE CITY  
ATTORNEY; BRADFORD R. JERBIC,  
CITY ATTORNEY; CITY OF LAS  
VEGAS, CITY CLERK; AND  
ADRIANA MARTINEZ,  
Respondents.

No. 57953

**FILED**

SEP 20 2011

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *H. Ingerson*  
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court order denying a petition for a writ of mandamus or prohibition in a ballot action.<sup>1</sup> Eighth Judicial District Court, Clark County; Ron Israel, Judge.

Appellants' district court action sought a writ of mandamus or prohibition to compel respondent city attorney Bradford R. Jerbic to consider their challenges to the candidacy of respondent Adriana Martinez in the Las Vegas Ward 3 city council election. Because Martinez was

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<sup>1</sup>The Honorable Michael L. Douglas, Justice, voluntarily recused himself from participation in the decision of this matter.




defeated in her bid for the Ward 3 city council seat, this court directed appellants to show cause why this appeal should not be dismissed as moot. In their response, appellants do not dispute that the appeal was rendered moot by the election. Instead, they argue that this court should nonetheless consider the appeal because it presents issues of widespread importance that are capable of repetition, yet evading review.

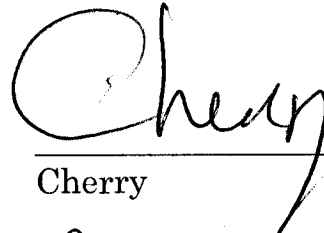
In Personhood Nevada v. Bristol, 126 Nev. \_\_\_, \_\_\_, 245 P.3d 572, 574 (2010), we explained that this court's duty is to decide actual controversies and not to give opinions on moot questions. We noted, however, that an otherwise moot appeal may nonetheless be reviewed if it presents an issue of widespread importance that is capable of repetition, yet evading review. Id.

Having considered appellants' arguments, we conclude that the capable-of-repetition-yet-evading-review exception to the mootness doctrine does not apply in this case. As an initial matter, ballot-related actions are generally resolved by this court before they become moot, and thus, despite the short deadlines for filing candidate challenges, it is not likely that the issues raised in this appeal will evade review if they arise again in the future. See id. at \_\_\_, 245 P.3d at 574-75. Moreover, this appeal concerns facts unique to this election challenge, and thus, it is not clear that this matter "is of such public, widespread importance to necessitate this court's review" even though the subject election has already occurred and the challenged candidate was defeated in that


election. See id. at \_\_\_, 245 P.3d at 575. Accordingly, we conclude that dismissal on mootness grounds is warranted,<sup>2</sup> and we therefore

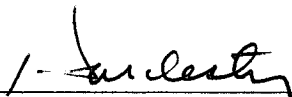
ORDER this appeal DISMISSED.

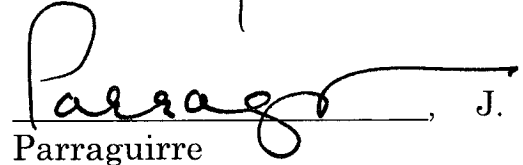
  
\_\_\_\_\_, C.J.  
Saitta

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

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

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

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

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

cc: Hon. Ron Israel, District Judge  
Marquis Aurbach Coffing  
Las Vegas City Attorney  
Raleigh & Hunt, P.C.  
Eighth District Court Clerk

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<sup>2</sup>We have considered appellants' waiver and diligence based arguments for avoiding dismissal on mootness grounds and conclude that they lack merit.