

IN THE SUPREME COURT OF THE STATE OF NEVADA

LABORERS' INTERNATIONAL UNION
OF NORTH AMERICA, LOCAL UNION
NO. 169; AND JOHN RUSSELL,
Appellants,
vs.
REGIONAL TRANSPORTATION
COMMISSION OF WASHOE COUNTY,
Respondent.

No. 59345

FILED

MAR 21 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malone*
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from the denial of a petition for a writ of prohibition. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

Appellants Laborers' International Union of North America, Local Union No. 169 (the Union) and John Russell appealed the district court's denial of their petition for a writ of prohibition. The primary issue of their appeal concerns a bid submitted to a public body for a public work. They argue that the district court erred in concluding that NRS 338.141(3) does not require that a bid describe the work of a primary contractor who must be listed in the bid as one who is performing work.

At the time of briefing, NRS 338.141(3) stated that the "prime contractor shall include his or her name on a list required by [NRS 338.141(1)] if...the prime contractor will perform any of the work required to be listed pursuant to [NRS 338.141(1)]." NRS 338.141(3) (2011) (amended 2013). The statute was silent about whether the list required by NRS 338.141(1) needed to describe the work that the prime contractor would perform; thus the Union and Russell appealed.

But the 2013 Legislature revised NRS 338.141(3) to the extent of resolving the Union and Russell's contentions about when and how a bid must identify a prime contractor's work:

A prime contractor shall include his or her name on a list required by [NRS 338.141(1)]. If the prime contractor will perform any work which is more than 1 percent of the prime contractor's total bid and which is not being performed by a subcontractor listed pursuant to [NRS 338.141(1)], the prime contractor shall also include on the list:

(a) A description of the labor or portion of the work that the prime contractor will perform; or

(b) A statement that the prime contractor will perform all work other than that being performed by a subcontractor listed pursuant to [NRS 338.141(1)].

NRS 338.141(3) (2013). As a result of these changes, we issued an order to show cause, which asked the parties to brief why this appeal should not be dismissed as moot given that the 2013 amendments appeared to resolve the parties' contentions about NRS 338.141(3)'s meaning. In responding to the order, the Union and Russell concede that their appeal should be dismissed as moot. Therefore, we dismiss the appeal as moot.


However, in addition to agreeing that the appeal should be dismissed as moot, respondent Regional Transportation Commission of Washoe County (RTC) demands attorney fees and costs. RTC notes that approximately three weeks before oral argument, the governor approved the 2013 revisions to NRS 338.141(3). Moreover, the revisions were effective the day before oral argument. *See* 2013 Nev. Stat., ch. 487, §§ 6, 15, at 2970-71, 2986. RTC alleges that the Union knew about the changes to NRS 338.141(3), did not inform this court of those changes,

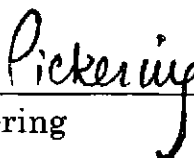
disingenuously proceeded with the appeal and oral argument, and in doing so wasted RTC's and this court's time and resources. RTC requests all reasonable attorney fees and costs that it incurred after the date that the governor approved the 2013 revisions to NRS 338.141(3).

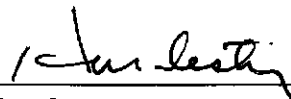
RTC's request for attorney fees and costs is incomplete. When asking for such relief, a party must cite to relevant authority and make a cogent argument; otherwise, we do not consider the request. *Weddell v. H2O, Inc.*, 128 Nev. ___, ___ n.11, 271 P.3d 743, 752 n.11 (2012); *see also Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006). Here, RTC does not identify the amount of the attorney fees and costs that it seeks, nor does it cite to or provide analysis based on relevant legal authority, pursuant to which we could consider the merits of its request. Therefore, we do not entertain RTC's request for attorney fees and costs.


Accordingly, we


ORDER this appeal DISMISSED.

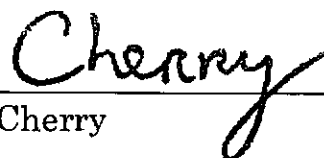
 _____, C.J.
Gibbons

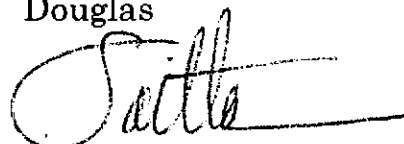
 _____, J.
Pickering

 _____, J.
Hardesty

 _____, J.
Parraguirre

 _____, J.
Douglas

 _____, J.
Cherry

 _____, J.
Saitta

cc: Hon. Brent T. Adams, District Judge
Michael E. Langton
Parsons Behle & Latimer/Reno
Washoe District Court Clerk