

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA POLICY RESEARCH
INSTITUTE, INC., A NOT-FOR-PROFIT
CORPORATION; AND KAREN R. GRAY,
AN INDIVIDUAL,

Appellants,

vs.

CLARK COUNTY REGIONAL DEBT
MANAGEMENT COMMISSION, A
POLITICAL SUBDIVISION OF CLARK
COUNTY, NEVADA; CLARK COUNTY
SCHOOL DISTRICT, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA; AND CLARK COUNTY SCHOOL
DISTRICT BOARD OF TRUSTEES, IN
THEIR OFFICIAL CAPACITIES,
Respondents.

No. 61560

FILED

SEP 06 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angelina*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying a request for injunctive relief in a case involving a ballot question. Eighth Judicial District Court, Clark County; Valorie J. Vega, Judge.¹

In the district court, appellants sought a preliminary injunction to prevent a tax initiative's placement on the ballot based on an alleged violation of the open meeting law. Following a hearing on the opposed motion, the district court denied it. This appeal followed.

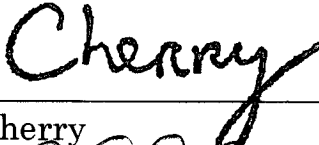
The decision to grant or deny a preliminary injunction is within the district court's discretion. University Sys. v. Nevadans for Sound Gov't, 120 Nev. 712, 721, 100 P.3d 179, 187 (2004). Appellate review is limited to the record, and this court will not disturb the district court's decision absent an abuse of discretion. Id. The district court's

¹The Honorable Nancy Saitta, Justice, did not participate in the decision of this matter.

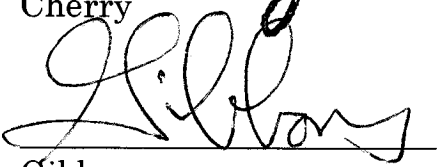
factual determinations will be set aside only when clearly erroneous or unsupported. Id. Before a preliminary injunction will issue, the applicant must show “(1) a likelihood of success on the merits; and (2) a reasonable probability that the non-moving party’s conduct, if allowed to continue, will cause irreparable harm for which compensatory damage is an inadequate remedy.” Id. (quoting S.O.C., Inc. v. The Mirage Casino–Hotel, 117 Nev. 403, 408, 23 P.3d 243, 246 (2001)); see also NRS 33.010.


Having reviewed the trial court record and considered the parties’ statements at the NRAP 33 conference in light of these standards and the controlling law, we conclude that the district court did not abuse its discretion in denying appellants’ motion for a preliminary injunction.² See NRS 241.020; NRS 293.481. Accordingly, we affirm the district court’s order.

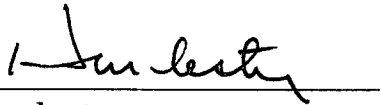
It is so ORDERED.³

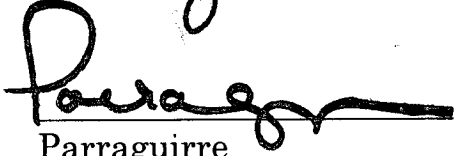

_____, C.J.
Cherry


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Pickering


_____, J.
Hardesty


_____, J.
Parraguirre

²Pursuant to the conference held under NRAP 33, and with acknowledgment of the parties, this matter was decided on the record without briefing.

³In light of this order we deny as moot respondents’ motion to dismiss this appeal.

cc: Hon. Valorie J. Vega, District Judge
Law Office of Jacob L. Hafter & Associates
NPRI Center for Justice and Constitutional Litigation
Clark County District Attorney/Civil Division
Clark County School District Legal Department
Lewis & Roca, LLP/Las Vegas
Eighth District Court Clerk