

IN THE SUPREME COURT OF THE STATE OF NEVADA

MCGEE & MCGEE WINE  
MERCHANTS, LLC, A NEVADA  
LIMITED LIABILITY COMPANY D/B/A  
SAPPHIRE FAMILY OF WINES,  
Appellant,  
vs.  
JAM CELLARS, INC., A CALIFORNIA  
CORPORATION; AND JOHN  
ANTHONY VINEYARDS, LLC, A  
CALIFORNIA LIMITED LIABILITY  
COMPANY,  
Respondents.

No. 70172

**FILED**

MAR 17 2017

ELIZABETH A. CROWN  
CLERK OF THE SUPREME COURT  
BY *A. Wallace*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

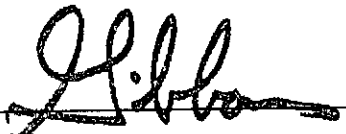
This is an appeal from a district court order denying a preliminary injunction. Second Judicial District Court, Washoe County; Scott N. Freeman, Judge.

To obtain a preliminary injunction, “the moving party must show that there is a likelihood of success on the merits and that the nonmoving party’s conduct, should it continue, would cause irreparable harm for which there is no adequate remedy at law.” *Dep’t of Conservation & Nat. Res., Div. of Water Res. v. Foley*, 121 Nev. 77, 80, 109 P.3d 760, 762 (2005). Having reviewed the parties’ arguments and the record, we conclude that the district court did not abuse its discretion by denying the preliminary injunction. *See Labor Comm’r of State of Nev. v. Littlefield*, 123 Nev. 35, 38, 153 P.3d 26, 28 (2007) (providing that a decision to grant or deny a preliminary injunction is within the discretion of the district court). In particular, while appellants clearly requested a preliminary injunction hearing, appellants do not explain on appeal what material facts required elucidation by live testimony. 11A Charles Alan

Wright, Arthur R. Miller & Mary Kay Kane, *Federal Practice and Procedure: Civil*, § 2949, at 249 (2013) (explaining that while an evidentiary hearing is typically appropriate, a preliminary-injunction motion may be decided on “written evidence when no conflict about the facts requires illumination by live testimony”). Accordingly, we

ORDER the district court’s denial of the preliminary injunction AFFIRMED.

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

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

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

cc: Hon. Scott N. Freeman, District Judge  
Bradley Drendel & Jeanney  
Guild, Gallagher & Fuller, Ltd.  
Lewis Roca Rothgerber Christie LLP/Las Vegas  
Lewis Roca Rothgerber Christie LLP/Reno  
Washoe District Court Clerk