

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JON HEMMER, AN INDIVIDUAL,  
Appellant,  
vs.  
LAURIE BARGER, AN INDIVIDUAL,  
Respondent.

No. 69974

FILED

FEB 28 2017

ORDER DISMISSING APPEAL

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

This is an appeal from a district court order granting a preliminary injunction.<sup>1</sup> Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

Appellant asks this court to declare a preliminary injunction void. Respondent asserts the preliminary injunction has been dissolved and this appeal is moot. The district court predicated the preliminary injunction's continuance upon respondent posting a bond of \$27,108 in addition to the \$1,000 respondent originally posted. The record does not show that the respondent posted the additional \$27,108 bond, but it is clear the district court released the \$1,000 original bond to appellant.<sup>2</sup> Thus, the preliminary injunction was vacated during the appeal's pendency, and we conclude the appeal is now moot. *See University Sys. v.*

<sup>1</sup>We do not recount the facts except as necessary to our decision.

<sup>2</sup>As a matter of law, an injunction is void if not supported by a bond. *See* NRCP 65(c) ("No restraining order or preliminary injunction shall issue except upon the giving of security by the applicant, in such sum as the court deems proper"); *see also Strickland v. Griz Corp.*, 92 Nev. 322, 323, 549 P.2d 1406, 1407 (1976) (holding that where the statute requires a bond, the bond "must be exacted or the order will be absolutely void").

17-900399

*Nevadans for Sound Gov't*, 120 Nev. 712, 720, 100 P.3d 179, 186 (2004) (recognizing that “cases presenting live controversies at the time of their inception may become moot by the occurrence of subsequent events”); *Berkeley Community Health Project v. City of Berkeley*, 119 F.3d 794, 795 (9th Cir.1997) (dismissing an appeal as moot since, in the meantime, the district court vacated its preliminary injunction). Accordingly, we

ORDER this appeal DISMISSED.



Silver

C.J.



Tao

J.



Gibbons

J.

cc: Hon. Joseph Hardy, Jr., District Judge  
William C. Turner, Settlement Judge  
Benjamin B. Childs  
Hatfield & Associates, Ltd.  
Eighth District Court Clerk