

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SMART SMOG, LLC, A DOMESTIC  
LIMITED LIABILITY COMPANY, D/B/A  
NEVADA SMOG; STACY L. FRANK, AN  
INDIVIDUAL; AND DAVID FRANK, AN  
INDIVIDUAL,

Appellants,

vs.


REL P VEGAS, LLC, A FOREIGN  
LIMITED LIABILITY COMPANY; RD  
MANAGEMENT, LLC, A DELAWARE  
LIMITED LIABILITY COMPANY; AND  
DON'T PASS DON'T PAY, INC., D/B/A  
SMOG BUSTERS, A NEVADA  
CORPORATION,

Respondents.

No. 70774

**FILED**

SEP 15 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order denying a preliminary injunction. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.


The party seeking a preliminary injunction bears the burden of establishing “(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.” *S.O.C., Inc. v. Mirage Casino-Hotel*, 117 Nev. 403, 407, 23 P.3d 243, 246 (2001).

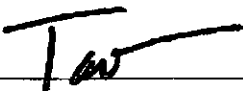
This court reviews a district court’s decision to deny a preliminary injunction for an abuse of discretion. *Dixon v. Thatcher*, 103 Nev. 414, 415, 742 P.2d 1029, 1029 (1987). “If the district court’s findings are supported by substantial evidence, they will be upheld.” *S.O.C., Inc.*,


117 Nev. at 407, 23 P.3d at 246. "Substantial evidence has been defined as that which a reasonable mind might accept as adequate to support a conclusion." *Finkel v. Cashman Profl, Inc.*, 128 Nev. 68, 73, 270 P.3d 1259, 1262 (2012) (quoting *McClanahan v. Raley's, Inc.*, 117 Nev. 921, 924, 34 P.3d 573, 576 (2001)).

After review of the record and the district court's findings, we determine that the district court did not abuse its discretion in denying appellants' motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

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

cc: Hon. Elizabeth Goff Gonzalez, Chief Judge  
Margaret G. Foley  
Johnson & Gubler, P.C.  
Steven Marzullo  
Holley, Driggs, Walch, Fine, Wray, Puzey & Thompson/Las Vegas  
Law Offices of John M. Netzorg  
Eighth District Court Clerk