

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROAD AND HIGHWAY BUILDERS,  
LLC,

Appellant,

vs.

Q&D CONSTRUCTION, INC., A  
NEVADA CORPORATION; AND THE  
STATE OF NEVADA DEPARTMENT  
OF TRANSPORTATION,

Respondents.

No. 75176

**FILED**

DEC 20 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER DISMISSING APPEAL*

This is an appeal from a district court order denying a motion for a preliminary injunction. First Judicial District Court, Carson City; James Todd Russell, Judge. Respondent Q&D Construction has filed a motion to dismiss this appeal as moot. Appellant opposes the motion and Q&D has filed a reply.

Having considered the motion, opposition, reply, and other documents before this court, we agree that this appeal is moot and conclude appellant fails to demonstrate that the appeal falls within the capable-of-repetition-yet-evading-review exception to the mootness doctrine. See *Degraw v. Eighth Judicial Dist. Court*, 134 Nev.; Adv. Op 43, 419 P.3d 136, 139 (2018); *Personhood Nevada v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572,

574 (2010); *University Sys. v. Nevadans for Sound Gov't*, 120 Nev. 712, 720, 100 P.3d 179, 186 (2004). Accordingly, we grant the motion and  
ORDER this appeal DISMISSED.

Pickering, J.  
Pickering

Gibbons, J.  
Gibbons

Hardesty, J.  
Hardesty

cc: Hon. James Todd Russell, District Judge  
David Wasick, Settlement Judge  
Carl M. Hebert  
McDonald Carano LLP/Reno  
Attorney General/Carson City  
Carson City Clerk