

IN THE SUPREME COURT OF THE STATE OF NEVADA

SHER DEVELOPMENT, LLC, A NEVADA LIMITED LIABILITY COMPANY; THE PAUL L. GARCELL AND PAMELA HERTZ REVOCABLE FAMILY TRUST, PAUL L. GARCELL AND PAMELA HERTZ, TRUSTEES; THE JOSEPH D. EYSTAD AND MARY ANN ARMINIO REVOCABLE TRUST DATED 09/03/03, MARYANN ARMINIO AND JOSEPH D. EYSTAD, TRUSTEES; THE FRANK ARMINIO AND MARY ARMINIO REVOCABLE LIVING TRUST, MARY ARMINIO, TRUSTEE; ANGELO JOHN ARMINIO, AN INDIVIDUAL; PAULA M. ARMINIO, AN INDIVIDUAL; ANDREA DEANEAN GLENN, AN INDIVIDUAL; LINDA JEAN LUND, AN INDIVIDUAL; THE DONDERO SURVIVOR'S TRUST, ALAN G. DONDERO, TRUSTEE; TERRY L. BELL IRREVOCABLE TRUST, TERRY L. BELL, TRUSTEE; AND THE NEWBY 1984 TRUST, JILL M. COLQUITT AND DONALD E. NEWBY, TRUSTEES,
Appellants,

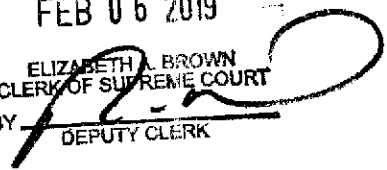
vs.

DESERT LAND LOAN ACQUISITION, LLC, A NEVADA LIMITED LIABILITY COMPANY; DESERT LAND, LLC, A NEVADA LIMITED LIABILITY COMPANY; HOWARD BULLOCH, AN INDIVIDUAL; DAVID GAFFIN, AN INDIVIDUAL; THE HOWARD AND CHRISTI BULLOCH FAMILY TRUST DATED 09/14/1995; THE HOWARD BULLOCH SEPARATE PROPERTY TRUST DATED 03/28/2003; THE CHRISTI BULLOCH SEPARATE

No. 71609

FILED

FEB 06 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

PROPERTY TRUST DATED 03/28/2003;
THE BULLOCH HERITAGE TRUST;
THE GULF STREAM IRREVOCABLE
TRUST DATED 06/30/2000; AND
COMPASS INVESTMENTS, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,
Respondents.

No. 72649

DESERT LAND LOAN ACQUISITION,
LLC, A NEVADA LIMITED LIABILITY
COMPANY; DESERT LAND, LLC, A
NEVADA LIMITED LIABILITY
COMPANY; HOWARD BULLOCH, AN
INDIVIDUAL; DAVID GAFFIN, AN
INDIVIDUAL; THE HOWARD AND
CHRISTI BULLOCH FAMILY TRUST
DATED 09/14/1995; THE HOWARD
BULLOCH SEPARATE PROPERTY
TRUST DATED 03/28/2003; THE
CHRISTI BULLOCH SEPARATE
PROPERTY TRUST DATED 03/28/2003;
THE BULLOCH HERITAGE TRUST;
THE GULF STREAM IRREVOCABLE
TRUST DATED 06/30/2000; AND
COMPASS INVESTMENTS, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,

Appellants/Cross-Respondents,

vs.

SHER DEVELOPMENT, LLC, A
NEVADA LIMITED LIABILITY
COMPANY; THE PAUL L. GARCELL
AND PAMELA HERTZ REVOCABLE
FAMILY TRUST, PAUL L. GARCELL
AND PAMELA HERTZ, TRUSTEES;
THE JOSEPH D. EYSTAD AND MARY
ANN ARMINIO REVOCABLE TRUST
DATED 09/03/03, MARY ANN ARMINIO
AND JOSEPH D. EYSTAD, TRUSTEES;
THE FRANK ARMINIO AND MARY
ARMINIO REVOCABLE LIVING

TRUST, MARY ARMINIO, TRUSTEE;
ANGELO JOHN ARMINIO, AN
INDIVIDUAL; PAULA M. ARMINIO,
AN INDIVIDUAL; ANDREA DEANEAN
GLENN, AN INDIVIDUAL; LINDA
JEAN LUND, AN INDIVIDUAL; THE
DONDERO SURVIVOR'S TRUST, ALAN
G. DONDERO, TRUSTEE; TERRY L.
BELL IRREVOCABLE TRUST, TERRY
L. BELL, TRUSTEE; THE NEWBY 1984
TRUST, JILL M. COLQUITT AND
DONALD E. NEWBY, TRUSTEES;
JOANNA POLLARD LIVING TRUST,
JOANNA POLLARD, TRUSTEE;
VIVIAN A. WEBER LIVING TRUST,
VIVIAN WEBER, TRUSTEE; THE JOE
P. SCHWAN FAMILY TRUST, JOE
SCHWAN, TRUSTEE; WALTER
BROELAND AND CAROL BROELAND
REVOCABLE TRUST, WALT
BROELAND, TRUSTEE; MARK E.
JONAH; VERONICA C. WOLF TRUST,
VERONICA WOLF, TRUSTEE; BARON
H. WINDHAM, JR., IRA; JAMES P.
PEABODY; HELEN L. PEABODY;
YARG, LLC; PATRICK AND CLARA
CARMEN DERMODY FAMILY TRUST,
PATRICK DERMODY, TRUSTEE;
MACK CLAYTON; TRACY L.
CLAYTON; TERRY WAGNER;
CATHERINE WAGNER; JAMES C.
CHACHAS TRUST, JAMES C.
CHACHAS, TRUSTEE; GEORGE
CHACHAS; BESSIE CHACHAS;
WILLIAM MARSHALL; JANINE
MARSHALL; LEWIS ROY SHER
LIVING TRUST; GREGG S.
LAWRENCE SUBTRUST OF
CLIFFORD LAWRENCE AND
CAROLYN LAWRENCE REVOCABLE
FAMILY TRUST DTD 9/30/96'S

COUNTERCLAIM,
Respondents/Cross-Appellants,
and
BRADLEY ANDERSON; MARJORIE K.
ANDERSON; THE PRINCE FAMILY
TRUST DATED 10/06/1997;
ELIZABETH S. ANDERSON; MICHAEL
ASHE; GREGORY ASHE; THE 1991
BARRON REVOCABLE FAMILY
TRUST, DTD OCTOBER 2, 1991,
CLIFFORD L. BARRON AND INEZ L.
BARRON, TRUSTEES; JON G.
BASSETT; THE JOSEPH AND HELEN
BENOUALID TRUST DTD 9/30/96;
JERRY ALAN BLANCKAERT JR.
LIVING TRUST 2001 DTD 6/20/01;
TAMARA A. BOHN; JONATHAN
BOLTER; ZOE BROWN FAMILY
TRUST DTD 9/28/89; KIMBERLY A.
CASEY; JOHN M. CLAYTON; L.W. AND
ELIZABETH T. CLAYTON
REVOCABLE TRUST DTD 12/23/80;
THE DONNA J. CLINE LIVING TRUST;
DENISE O. CROTTS, CUSTODIAN FOR
ANDREW C. CROTTS, NICHOLAS E.
CROTTS, ZACHARY T. CROTTS;
DENISE O. CROTTS, CUSTODIAN FOR
JACOB R. CROTTS; DENISE O.
CROTTS, CUSTODIAN FOR FBO KALE
CROTTS; DANIEL M & M 1991 LIVING
TRUST; DAVIDSON 1992 TRUST;
WILLIAM H. DELANEY; THE ELKINS
FAMILY 1994 REVOCABLE LIVING
TRUST DTD 03/22/94; THE
ELLSWORTH 1981 FAMILY TRUST
DTD 05/20/81; ERIC ALAN EVANS;
FIRST CAPITAL TRUST LLC; LYNDIA
C. FLEMING, TRUSTEE OF THE
LYNDIA C. FLEMING REVOCABLE
TRUST DATED 8/22/02; STEVE
FRANKS; A. RENEE FRANKS;

TIMOTHY B. GALLAGHER LIVING TRUST DTD 2/12/04; THE ARTHUR J. AND MARGARET L. GILBERT REVOCABLE FAMILY TRUST 1986 DTD 5/30/86; GLASER LIVING TRUST UT JANUARY 26, 1978; LISA R. GORLICK, CUSTODIAN FOR NICHOLAS GORLICK; GREENWOOD FAMILY TRUST; HOWARD WILLIAM HAMILTON III LIVING TRUST DATED JUNE 1, 2005; GEORGE L. HARDIN TRUST DTD FEBRUARY 2, 1994; FIRST SAVINGS BANK CUSTODIAN FBO KENNETH W. HAROUFF, IRA; AVECE M. HIGBEE SEPARATE PROPERTY TRUST DTD 10/17/01; GARY HOPKINS; DENISE HOPKINS; STEVE R. HOWELL; SALLY S. HYATT TRUST DTD 05/02/02; JOHN C. JEFFREY; TROY KELL; ROBBIE R. KELL; THE C.E. LANGFORD TRUST U/A DTD 10/25/97; PAUL LANTZ; RONALD R. LAUDIE; SHANNON D. LAUDIE; WADE LEAVITT AND CAROLYN LEAVITT FAMILY LIMITED PARTNERSHIP; LEE MAEN; JEANNIE L. MAGDEFRAU; LEON H. MARX; NYDA D. MARX; MCCONNELL CAPITAL, LLC; MCCOMAS FAMILY TRUST DTD 5/28/02; RICHARD GENE MCCORMICK; STEVEN M. MCKENNA AND MICHELLE K. MCKENNA, TRUSTEES OF THE MCKENNA FAMILY TRUST DATED DECEMBER 19, 2002; GLENN N. MILLER; NINA MILLER; KENNETH GRIFFYN MORGAN LIVING TRUST DTD 4/7/03; DANIEL C. MUHA; FIRST SAVINGS BANK CUSTODIAN FBO DEBORAH L. MUHA IRA; MICHAEL NESLER; PHYLLIS NESLER; NANCY G. O'NEIL;

OKLAHOMA SUNRISE INVESTMENT LIMITED PARTNERSHIP; ROBERT L. OLDEN; THE MARIE PALU TRUST; RONALD S. PHELAN; LEONARD H. RAIZIN; CAROL A. RAIZIN; RAIZIN FAMILY TRUST DTD 8/4/77; ROBERT READER; DUANGCHAI THONGMEELARK; FISERV ISS AND COMPANY FBO CLYDE ROGER REYNOLDS IRA; RICE CONSTRUCTION COMPANY PROFIT SHARING AND TRUST; THE ROGERS-BARNETT FAMILY TRUST DTD 11/28/03; MARK COLUSSY, TRUSTEE FOR THE ROYAL LIVING TRUST DATED OCTOBER 30, 1996; RONALD W. RUTHE, SR.; IDA A. RUTHE; MARIA ELENA SALAZAR; RAYMOND SALAZAR; LEWIS R. SHER; ROBERT M. SHERWOOD; CARLA SHERWOOD; LT. COL. MICHAEL P. SLATER; DARLENE L. SLATER; MANUEL G. CALHAU; ROSELIE J. CALHAU; SISSON ENTERPRISES INC.; DAVID A. SMITH; THE MARIAN SMITHSON TRUST DTD 04/25/96; BRUCE E. SNYDER; JULIE E. SNYDER; KEVIN SPEIRS; BRYAN STEIN; DAVID STOEBLING, ESQ.; GANESAN SUBBARAMAN; MARIA SUBBARAMAN; MEENAKSHI SUBBARAMAN; RUTH G. SWINNEY, TRUSTEE FOR THE SWINNEY-REIGER FAMILY TRUST DTD MAY 8, 2001; FION M. TANG; MYLINH TANG; TELL EXEMPTION TRUST DATED JUNE 8, 1999; MATTHEW T. TERRACIN; THERESA TORDJMAN; 1989 WALKER FAMILY TRUST; THE WOLF 1988 TRUST DTD 3/29/88; MAXINE ZELKIND TRUST DTD

1/24/97; ADAM ZELKIND 401K PROFIT
SHARING PLAN; FLORENCE
BOLATIN LIVING TRUST DTD
10/28/93; ROBERT M. PESICK, ESTATE
OF; ROGER D. COX; PATRICIA E. COX;
C. J. HANSEL; TOM E. HANSEN; AND
STACIE L. HANSEN,
Respondents.

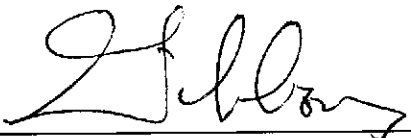
ORDER DISMISSING APPEALS

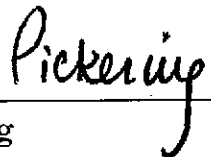
These are consolidated appeals from a district court order denying a request for a preliminary injunction (Docket No. 71609) and a subsequent order granting a request for a preliminary injunction (Docket No. 72649). Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

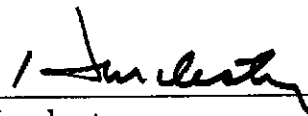
We conclude that these appeals are moot. In particular, because the district court's order at issue in Docket No. 72649 effectively overturned the order at issue in Docket No. 71609, the appeal in Docket No. 71609 is moot. Additionally, the district court's final judgment at issue in unconsolidated Docket No. 76934 has rendered the appeal in Docket No. 72649 moot, as the order granting injunctive relief at issue in Docket No. 72649 merged into the final judgment. *Matter of W.N. Connell & Marjorie T. Connell Living Tr.*, 133 Nev. 137, 142, 393 P.3d 1090, 1094 (2017) (observing that a preliminary injunction merges into a subsequent final judgment such that an appeal from the order granting preliminary injunctive relief becomes moot). Because these appeals have been rendered moot, they no longer present a justiciable controversy for this court to resolve. *Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010) ("The question of mootness is one of justiciability. This court's duty

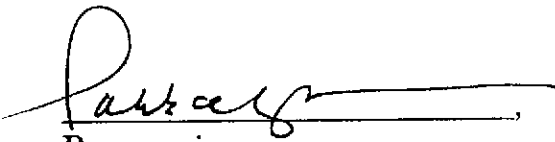
is not to render advisory opinions but, rather, to resolve actual controversies by an enforceable judgment.”). We therefore

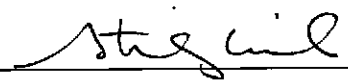
ORDER these appeals DISMISSED.¹



_____, C.J.
Gibbons


_____, J.
Pickering


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Stiglich


_____, J.
Cadish


_____, J.
Silver

¹This order should not be construed as precluding the parties from raising any arguments they deem relevant in their briefing for Docket Nos. 76934 and 77548.

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Stephen E. Haberfeld, Settlement Judge
Dickinson Wright PLLC
Hutchison & Steffen, LLC/Las Vegas
Eighth District Court Clerk