

IN THE SUPREME COURT OF THE STATE OF NEVADA

UNIVERSAL ELECTRIC, INC.,

No. 37349

Appellant,

vs.

STATE OF NEVADA, DEPARTMENT  
OF BUSINESS AND INDUSTRY,  
OFFICE OF THE LABOR  
COMMISSIONER,

Respondent.

**FILED**

**JAN 09 2002**

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. R. [Signature]*  
CHIEF DEPUTY CLERK

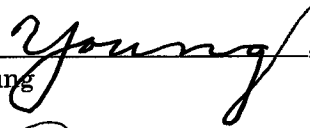
ORDER DISMISSING APPEAL

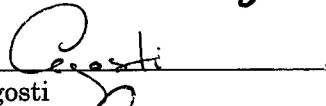
This is an appeal from a district court order dismissing appellant's petition for judicial review of an administrative hearing officer's decision entered on remand in a separate judicial review proceeding. Respondent moved to dismiss the appeal, arguing that the district court properly dismissed the petition. On November 21, 2001, we denied the motion to dismiss because the district court's order was a final order appealable under NRAP 3A(b)(1), regardless whether the dismissal was warranted. The appeal appeared to be moot, however, and we ordered appellant to show cause why the appeal should not be dismissed on that basis.

Appellant, in response to our order, concedes that the district court judge who originally remanded the matter subsequently reviewed the hearing officer's second decision, which was the subject of the dismissed petition for judicial review, and remanded again. The hearing officer then issued a third decision, which became the subject of a third judicial review proceeding, instituted by appellant, which is still pending. According to appellant, the judge in the third proceeding has reversed the hearing officer's third decision and remanded the matter for additional administrative proceedings.

We conclude that this appeal does not present any actual controversy.<sup>1</sup> The second remand in the original judicial review proceeding, which resulted in the third administrative decision, rendered the second judicial review proceeding moot, and the decision in the third judicial review proceeding is not yet ripe for review. Accordingly, we

ORDER this appeal DISMISSED.

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

  
\_\_\_\_\_, J.  
Leavitt

cc: Hon. Norman C. Robison, Senior Judge  
Lansford W. Levitt, Settlement Judge  
Attorney General  
Dianna Hegeduis, Deputy Attorney General, Las Vegas  
Orin G. Grossman  
Clark County Clerk

---

<sup>1</sup>See NCAA v. University of Nevada, 97 Nev. 56, 624 P.2d 10 (1981) (noting that the duty of every judicial tribunal is to decide actual controversies).