

IN THE SUPREME COURT OF THE STATE OF NEVADA

FIELDEN HANSON ISAACS MIYADA
ROBISON YEH, LTD.,
Appellant,
vs.
DEVIN CHERN TANG, M.D.; AND SUN
ANESTHESIA SOLUTIONS, A
NEVADA CORPORATION,
Respondents.

FIELDEN HANSON ISAACS MIYADA
ROBISON YEH, LTD.,
Appellant,
vs.
DEVIN CHERN TANG, M.D.; AND SUN
ANESTHESIA SOLUTIONS, A
NEVADA CORPORATION,
Respondents.

No. 78358

FILED

AUG 12 2020

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

No. 79663 ✓

ORDER OF DISMISSAL

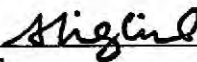
These cases present related interlocutory appeals from a district court order denying a motion for preliminary injunction, and a subsequent order denying a motion for reconsideration, in a restrictive covenant dispute. Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

The covenant at issue purported to prevent respondent, Dr. Devin Chern Tang, from independently providing anesthesiology services to any client of appellant, Fielden Hanson Isaacs, Miyada, Robinson, Yeh, Ltd. (FHIMRY), without geographic limitation. Accordingly, the district court refused to enforce the covenant as overbroad. FHIMRY timely appealed, but did not attempt to expedite the appellate process, during which time the covenant expired. This court thus issued an order to show cause why it should not dismiss the appeals as moot.

FHIRMY answered this court's order, arguing that the appeals fell within an exception to mootness because they raise a matter of widespread importance that is capable of repetition yet evading review. See *Langston v. State, Dep't of Motor Vehicles*, 110 Nev. 342, 344, 871 P.2d 362, 363 (1994). There is one obvious flaw in this proposition, however—currently pending before this court is a third appeal involving FHIRMY, presenting the same legal issue that they assert deserves resolution. This third appeal is not moot, has been briefed, and is set on an expedited schedule. Under these circumstances, FHIRMY cannot demonstrate the issue is likely to evade review. See *Valdez-Jimenez v. Eighth Judicial Dist. Court*, 136 Nev. ___, ___, 460 P.3d 976, 982 (2020). Accordingly, we

ORDER these appeals DISMISSED.


_____, J.
Gibbons


_____, J.
Stiglich


_____, J.
Silver

cc: Hon. Timothy C. Williams, District Judge
Dickinson Wright PLLC
Howard & Howard Attorneys PLLC
Eighth District Court Clerk