

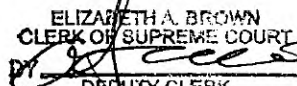
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES K. EDWARDS; AND RETA
EPKES EDWARDS, AS TRUSTEES OF
THE JAMES KENNEDY EDWARDS
AND RETA EPKES EDWARDS LIVING
TRUST,
Appellants,
vs.
THE OGDEN UNIT OWNERS'
ASSOCIATION, A NEVADA NON-
PROFIT CORPORATION,
Respondent.

No. 82343-COA

FILED

JUL 27 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

James K. Edwards and Reta Epkes Edwards, acting as trustees of the James Kennedy Edwards and Reta Epkes Edwards Living Trust appeal from a district court order granting a preliminary injunction. Eighth Judicial District Court, Clark County; Jacqueline M. Bluth, Judge.

In this appeal, appellants challenge a district court order granting respondent the Ogden Unit Owners' Association's request for a preliminary injunction, which directed appellants to destroy a garage structure located on the respondent's common area. On appeal, appellants argue, among other things, that the district court erred when it applied the legal standard for a prohibitive injunction, rather than the standard for a mandatory injunction, when granting respondent's request for injunctive relief. However, both parties concede that the parking structure at issue in the injunction has been destroyed during the pendency of this appeal.

23-24097

Accordingly, on May 23, 2023, this court issued an order to show cause directing the parties to demonstrate why this case should not be dismissed on mootness grounds.

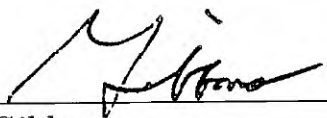
Having considered appellants' response and respondent's reply, we conclude that this case is moot, as this court can no longer grant effective relief with respect to the challenged order. *See Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010) (recognizing that an active controversy must be present through all stages of the proceeding and that subsequent events may render a case moot, and that a case is rendered moot on appeal where the appellate court is "unable to grant effective relief with respect to the district court injunction at issue").

And although appellants argue that this court should nonetheless consider the issues in this appeal under the capable of repetition, but evading review exception to the mootness doctrine, appellants fail to demonstrate that this exception applies. *See Valdez-Jimenez v. Eighth Judicial Dist. Court*, 136 Nev. 155, 158, 460 P.3d 976, 982 (2020) (holding that even where moot, we may consider cases where a party proves "That (1) the duration of the challenged action is relatively short, (2) there is a likelihood that a similar issue will arise in the future, and (3) the matter is important." (quoting *Bisch v. Las Vegas Metro. Police Dep't*, 129 Nev. 328, 334-35, 302 P.3d 1108, 1113 (2013) (internal quotation marks omitted))); *see also Langston v. State, Department of Motor Vehicles*, 110 Nev. 342, 344, 871 P.2d 362, 363 (1994) (acknowledging that facts


unique to a particular party will not give rise to the capable of repetition, but evading review mootness exception).

Accordingly, we

ORDER this appeal DISMISSED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Jacqueline M. Bluth, District Judge
Lansford W. Levitt, Settlement Judge
The Ball Law Group LLC
Leach Kern Gruchow Anderson Song/Las Vegas
Eighth District Court Clerk