

IN THE SUPREME COURT OF THE STATE OF NEVADA

NEVADA LEGAL NEWS, LLC, A
NEVADA CORPORATION,
Appellant,

vs.

NEVADA JOURNAL AND DAILY
JOURNAL CORPORATION, A SOUTH
CAROLINA CORPORATION,
Respondents.

No. 38304

FILED

MAY 15 2003

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying appellant Nevada Legal News' (Legal News') motion for a preliminary injunction. Legal News filed a complaint alleging that respondent, Nevada Journal and Daily Journal Corporation (Nevada Journal), was publishing legal notices in violation of NRS 238.030(1). Legal News also alleged that Nevada Journal was interfering with its prospective economic advantage by soliciting Legal News' current clients and by publishing a legal notice for a former Legal News client. Legal News moved the district court to enjoin Nevada Journal from publishing legal notices. After conducting a hearing, the district court found that Legal News failed to show that it would be irreparably harmed if Nevada Journal continued to publish legal notices. Therefore, the district court denied Legal News' motion for a preliminary injunction. Legal News appealed.

A party seeking a preliminary injunction has the burden to establish "a likelihood of success on the merits and a reasonable probability that the non-moving party's conduct, if allowed to continue,

will cause irreparable harm for which compensatory damage is an inadequate remedy.”¹ This court will not reverse the district court’s denial of a preliminary injunction absent an abuse of discretion.² Thus, we must determine if the district court’s finding that Legal News failed to show that it would suffer irreparable harm was an abuse of discretion.

Legal News contends Nevada Journal’s publication of one of Legal News’ former client’s legal notices has caused, and will continue to cause, Legal News irreparable harm.³ Legal News also claims that Nevada Journal has solicited some of Legal News’ current clients. However, Nevada Journal’s mere solicitation of Legal News’ current clients has not caused Legal News any harm. Legal News has not met its burden of establishing a reasonable probability that Nevada Journal’s publication of one of Legal News’ former client’s legal notices has caused, or will cause it, irreparable harm for which compensatory damages are an inadequate remedy. Therefore, the district court did not abuse its discretion by finding that Legal News did not show that it would suffer irreparable harm if Nevada Journal continued to publish legal notices. Accordingly, we

¹Dangberg Holdings v. Douglas Co., 115 Nev. 129, 142, 978 P.2d 311, 319 (1999); see also S.O.C., Inc. v. The Mirage Casino-Hotel, 117 Nev. 403, 408, 23 P.3d 243, 246 (2001); NRS 33.010.


²Dangberg, 115 Nev. at 142-43, 978 P.2d at 319.

³Legal News also alleges the public will suffer irreparable harm. This argument is without merit.

ORDER the judgment of the district court denying Legal News' motion for a preliminary injunction AFFIRMED.


_____, J.
Shearing


_____, J.
Leavitt


_____, J.
Becker

cc: Hon. Mark R. Denton, District Judge
Lionel Sawyer & Collins/Las Vegas
Post Kirby Noonan & Sweat LLP
Rawlings Olson Cannon Gormley & Desruisseaux
Clark County Clerk