IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID OANCEA, AN INDIVIDUAL; AND VVD123, LLC, A NEVADA LIMITED LIABILITY COMPANY,
Appellants,
vs.
CABO PLATINUM, LLC, A NEVADA LIMITED LIABILITY COMPANY,
Respondent.

No. 89030

FILED

MAY 12 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from a district court preliminary injunction that prohibited appellants from blocking respondent's employees and guests from accessing rental properties regarding, and from taking any other actions that would interfere with, certain identified bookings. Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

Upon respondent's assertion that the remaining bookings subject to the injunction were canceled and the deposits were refunded, this court entered a limited remand so that the district court could explore whether the preliminary injunction was moot. On remand, the district court determined that the preliminary injunction was moot and dissolved it. Thereafter, this court directed appellants to show cause why the appeal should not be dismissed as moot. *See Nat'l Collegiate Athletic Ass'n v. Univ. of Nev., Reno*, 97 Nev. 56, 57, 624 P.2d 10, 10 (1981) ("[T]he duty of every judicial tribunal is to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare principles of law which cannot affect the matter in issue before it."); *Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010) (holding that a case that initially presents a live

controversy may be rendered moot by subsequent events). The parties filed timely responses.

Appellants argue that the appeal is not moot because contempt sanctions have been imposed based on violations of the preliminary injunction, affecting the ongoing proceedings in the district court. They also invoke the capable-of-repetition-yet-evading-review exception to the mootness doctrine. Respondent contends that the appeal is moot, as this court can grant no effective relief from the dissolved injunction, and that the invoked exception does not apply because the short duration of the injunction was caused by appellants' actions, not by the nature of the injunction, *see Valdez-Jimenez v. Eighth Jud. Dist. Ct.*, 136 Nev. 155, 158, 460 P.3d 976, 982 (2020) (discussing the short-duration requirement of the exception), and because the issues raised on appeal are factually specific to this case, *see Langston v. State, Dep't of Motor Vehicles*, 110 Nev. 342, 344, 871 P.2d 362, 363 (1994) (recognizing that issues factually specific to a case are generally not of the type capable of repetition).

"This court's duty is . . . to resolve actual controversies by an enforceable judgment." *Personhood Nev.*, 126 Nev. at 602, 245 P.3d at 574. Thus, when subsequent events render an appeal moot and prevent this court from rendering any effective relief, the appeal typically will be dismissed. *Id.* at 604, 245 P.3d at 575. Having reviewed the parties' arguments, we conclude that appellants have not demonstrated that a live controversy remains, as this court could grant no effective relief as to the enjoined conduct. *See, e.g.*, *Roe v. Snyder*, No. 17-1605, 2018 WL 8343834, at *1 (6th Cir. Dec. 10, 2018) (explaining that, when only the preliminary injunction is before the court on appeal, "[t]he dissolution of the order renders the appeal moot because the injunction appealed from is no longer

in effect," even when collateral issues such as attorney fees may later arise from the injunction). The contempt order, entered after the notice of appeal was filed, is not at issue in this interlocutory appeal from the preliminary injunction, and dismissing this appeal does not prevent appellants from challenging that order as appropriate. *See Mack-Manley v. Manley,* 122 Nev. 849, 858 n. 15, 138 P.3d 525, 532 n .15 (2006) (noting the procedure for challenging contempt orders). Accordingly, this appeal is moot.

Moreover, having considered the parties' arguments under the standard for invoking the exception, *Valdez-Jimenez*, 136 Nev. at 158, 460 P.3d at 982, we conclude that this matter is not one of the "exceptional situations" to which the exception applies, *In re Guardianship of L.S. & H.S.*, 120 Nev. 157, 161, 87 P.3d 521, 524 (2004) (recognizing that the capable-of-repetition-yet-evading-review exception applies only to "exceptional situations," per *Spencer v. Kemna*, 523 U.S. 1, 17 (1998)). Accordingly, we

ORDER this appeal DISMISSED.

Pickering, J.
Pickering

Cadish, J.
Cadish

Lee, J.
Lee

cc: Hon. Timothy C. Williams, District Judge
Paul M. Haire, Settlement Judge
American Freedom Group, LLC
McNutt Law Firm, P.C.
Eighth District Court Clerk