

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAY DANA, INDIVIDUALLY AND
GENERAL REALTY GROUP, INC., A
NEVADA CORPORATION,

Appellants,

vs.

BUYERS NEW HOME STORE, INC., A
NEVADA CORPORATION; MICHAEL
G. VESTUTO; KIMBERLY VESTUTO;
DAVID B. DILKS; AMANDA AHLING;
ROB BORDERMANN; FRANCIE
CREAMER; SUSAN GAIN; CORY GEIB;
ALLEN LINK; CHRISTOPHER
MARONE; ELVIRA MATA; SUSAN
SCHEBLER; RICHARD ST. CLAIR;
JOEY WAKEEN; AND TIMOTHY
WEAVER,
Respondents.

No. 38695

FILED

OCT 15 2002

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

ORDER OF REVERSAL

This is an appeal from a district court order granting a preliminary injunction. On August 27, 2002, we gave respondents thirty days within which to show cause why the injunction order should not be summarily reversed, because it appeared that the order did not comply with the requirements of NRCP 65(c) and (d). Respondents have not filed any response to our August 27 order.

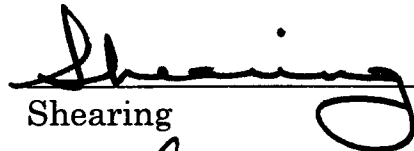
The order appealed from does not require any bond or security from respondents, in violation of NRCP 65(c). Also, the order does not satisfy the requirements of NRCP 65(d):

Every order granting an injunction and every restraining order shall set forth the reasons for its issuance; shall be specific in terms; [and] shall describe in reasonable detail, and not by reference


to the complaint or other document, the act or acts sought to be restrained

Specifically, the order purports to incorporate an earlier order entered in one of the two cases consolidated below, it refers to an "Exhibit A" that is not attached to the order, and it does not set forth the reasons for its issuance or a reasonably detailed description of what conduct is enjoined. An order that does not comply with NRCP 65(c) and (d) is void and not enforceable.¹ Accordingly, we

REVERSE the district court's order.

 _____, J.
Shearing

 _____, J.
Leavitt

 _____, J.
Becker

¹See Strickland v. Griz Corp., 92 Nev. 322, 549 P.2d 1406 (1976) (holding that injunction order that did not require security was void); Maheu v. Hughes Tool Co., 88 Nev. 592, 503 P.2d 4 (1972) (holding that injunction order that failed to specify in reasonable detail what conduct was enjoined was void); Webster v. Steinberg, 84 Nev. 426, 442 P.2d 894 (1968) (holding that injunction order that did not state reasons or reasonably specify conduct to be enjoined was void), overruled in part by Las Vegas Novelty v. Fernandez, 106 Nev. 113, 787 P.2d 772 (1990) (holding that failure to state reasons in injunction order, standing alone, was not fatal when reasons were apparent from the record, but noting that better practice was to include all information in the order).

cc: Hon. Jennifer Togliatti, District Judge
Wolfenzon Law Group
Bell Lukens & Kent
Clark County Clerk