

IN THE SUPREME COURT OF THE STATE OF NEVADA

STACEY D. WILLIAMS,
Appellant,
vs.
CHARLES C. HUBAY, JR., AND MARY
E. HUBAY, A/K/A HUBAY HOME
SALES, LLC,
Respondents.

No. 42118

FILED

NOV 03 2003

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

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order that denied appellant's motion to disqualify respondents' counsel and granted respondents' motion for a writ of restitution, evicting appellant from her home. Initially, we note that this appeal is jurisdictionally defective insofar as appellant challenges the denial of her disqualification motion.¹ And although this court has jurisdiction to consider appellant's eviction,² that part of the appeal is moot. This court generally declines to review cases "rendered moot by the happening of events subsequent to the initial

¹See Pengilly v. Rancho Santa Fe Homeowners, 116 Nev. 646, 5 P.3d 569 (2000) (observing that an appeal may be considered only when authorized by statute or court rule); Ciaffone v. District Court, 113 Nev. 1165, 945 P.2d 950 (1997) (recognizing that relief from lawyer disqualification orders is available by writ petition, rather than appeal).

²NRS 40.380.

controversy.”³ Since the filing of appellant’s complaint and respondents’ counterclaim, appellant’s tenancy terminated naturally on September 6, 2003, under the terms of all the agreements she executed. And even if the district court’s decision to allow appellant to remain on the property until September 30, 2003, without paying more rent was based on some oral extension of the lease, that extension has also expired. Thus, this court cannot provide appellant any effective relief from her eviction because she no longer has a legally cognizable interest in the tenancy.⁴

Accordingly, we

³Bd. of Cty. Comm’rs v. White, 102 Nev. 587, 589, 729 P.2d 1347, 1349 (1986).

⁴See Boulet v. City of Las Vegas, 96 Nev. 611, 614 P.2d 8 (1980) (dismissing as moot appeals from the revocation of appellant’s business license, where the appellant’s business lease had expired, appellant had left the area, and had not paid the license fee); accord Evergreen Manor Associates v. Farrell, 515 A.2d 1081 (Conn. App. Ct. 1986) (dismissing as moot appeal from tenant’s eviction based on tenant’s violation of no-pets policy, where tenant’s lease had subsequently expired); Exit Co. Ltd. v. Airlines Capital Corp., 766 P.2d 129 (Haw. Ct. App. 1988) (holding that mootness barred appeal from determination that tenant had violated lease’s non-assignment clause, where lease had expired on appeal, tenant had been evicted, and property’s owner had been given possession); Verity v. First City Drink, Inc., 800 S.W.2d 796 (Mo. Ct. App. 1990) (dismissing as moot purported tenant’s appeal from determination that another party was entitled to possession, where lease had expired on appeal).

ORDER this appeal DISMISSED.⁵

Becker, J.
Becker

Shearing, J.
Shearing

Gibbons, J.
Gibbons

cc: Hon. Valorie Vega, District Judge
Law Office of Barry Levinson
Stacey D. Williams
Clark County Clerk

⁵Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from appellant, and deny as moot the requested relief.

In dismissing this appeal, we have not considered whether the district court erred in concluding that appellant owed respondents rent in the amount of \$2,000 per month. Whether the \$650 to \$2,000 rental increase was valid is an issue that remains pending below. See Breliant v. Preferred Equities Corp., 112 Nev. 663, 918 P.2d 314 (1996) (stating that the law of the case doctrine does not apply to issues or claims that were not actually decided on appeal).