

IN THE SUPREME COURT OF THE STATE OF NEVADA

RG ELECTRIC, INC.; RICHARD S.  
GINOCCHI; PACE CONTRACTING  
COMPANY; M&H ENTERPRISES, INC.,  
D/B/A MARTIN HARRIS  
CONSTRUCTION; BENCHMARK  
CONTRACTING, INC., D/B/A  
COBBLESTONE CONSTRUCTION;  
TWC CONSTRUCTION, INC.; AND  
CORE CONSTRUCTION SERVICES OF  
NEVADA, INC.,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK, AND THE HONORABLE  
DOUGLAS SMITH, DISTRICT JUDGE,

Respondents,

and

JEREMIE FAIRBANKS AND  
SOUTHERN NEVADA IBEW-NECA  
LABOR-MANAGEMENT  
COOPERATION COMMITTEE,  
Real Parties in Interest.

No. 56317

**FILED**

**MAR 18 2011**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

ORDER DISMISSING PETITION

This original petition for a writ of prohibition challenges a district court order denying a motion to dismiss in a prevailing wage matter. Petitioners seek to preclude the district court from proceeding with the underlying action and to dismiss the case, arguing that real parties in interest's claims must first be addressed by the Labor Commissioner.

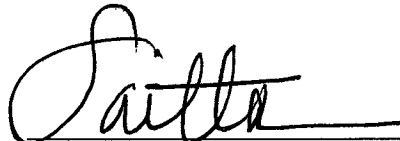
When real parties in interest asserted in their answer that they now have brought their claims before the Labor Commissioner and that the district court stayed the underlying action pending the outcome of the administrative process, we issued an order directing petitioners to show cause why this matter should not be dismissed as moot, since the Labor Commissioner, not the district court, was addressing real parties in interest's claims in the first instance—the same relief that petitioners are seeking. In their timely response to our show cause order, petitioners argue that this matter is not moot because they are entitled to dismissal, not a stay, of the district court action. In real parties in interest's reply, they essentially argue that, given the administrative proceedings and corresponding district court stay, any harm from the persistence of their district court action is speculative.

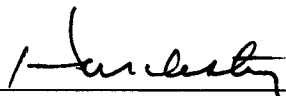
Having considered petitioners' response to our show cause order and real parties in interest's reply thereto, we conclude that this matter is moot. Given that the Labor Commissioner is addressing real parties in interest's claims in the first instance, petitioners have effectively obtained the relief they sought through their petition, and consequently, the issue raised by the petition—whether the Labor Commissioner must first address prevailing wage claims—is no longer at issue. Additionally, any harm from the district court lifting the stay following the administrative process is speculative at this point. See Personhood Nevada v. Bristol, 126 Nev. \_\_\_, 245 P.3d 572 (2010); see also University Sys. v. Nevadans for Sound Gov't, 120 Nev. 712, 720, 100 P.3d 179, 189 (2004) (stating that “the 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

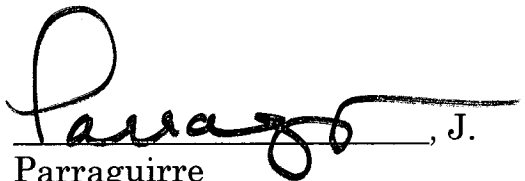
to declare principles of law which cannot affect the matter in issue before it” (quoting NCAA v. University of Nevada, 97 Nev. 56, 57, 624 P.2d 10, 10 (1981))).

Accordingly, we

ORDER the petition DISMISSED.

  
Saitta, J.

  
Hardesty, J.

  
Parraguirre, J.

cc: Hon. Doug Smith, District Judge  
Nikolas L. Mastrangelo  
Fisher & Phillips LLP  
McCracken, Stemerman & Holsberry  
Eighth District Court Clerk