

IN THE SUPREME COURT OF THE STATE OF NEVADA

CURTIS W. LINT,
Appellant,
vs.
FRANK S. ANDERSON, LILL I.
ANDERSON, AND GREATLAND
GROUP, INC., A NEVADA
CORPORATION,
Respondents.

No. 35717

FILED

APR 22 2002

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

ORDER OF AFFIRMANCE

This is an appeal from an order of the district court granting respondents' motion for a permanent injunction.

This matter involves a dispute between appellant and respondents over the ownership, operation and the winding up of operations of respondent Greatland Group, Inc., a Nevada corporation (GGI). Appellant commenced the action in district court in October 1994, seeking injunctive relief. Both sides made conflicting claims with regard to the ownership and operation of GGI. Appellant sought and the district court entered an ex parte temporary restraining order on October 18, 1994. Thereafter, in open court with all parties represented by counsel, appellant's motion for a preliminary injunction against respondents was denied by the district court. The formal written order to this effect was filed with the court clerk on April 11, 1995.

On June 9, 1995, respondents filed their application for preliminary injunction to enjoin appellant from entering the business premises of GGI, from taking or selling GGI property, from opening bank accounts in the name of GGI, for an accounting and other relief. This application was personally served upon appellant's counsel on that date.

By final order of October 13, 1995, the district court entered the order granting respondents' injunctive relief based upon an in-court hearing held June 14, 1995. The order notes that no opposition to the application leading to the order was ever submitted. Also, on June 26, 1995, the district court granted a motion to withdraw previously submitted by appellant's attorneys.


On appeal, appellant claims that he was not represented by counsel at the hearing, was under a doctor's care during the time period during which the hearing was held, and that he was not given adequate notice of that proceeding. The order of withdrawal indicates that the hearing on the motion to withdraw as counsel for appellant took place on June 13, 1995. However, the order granting the injunction and the district court minutes note the presence of counsel for appellant on June 14, 1995, the date upon which the order from which this appeal has been taken was orally handed down in open court. Further, the materials submitted on appeal in the record in particular, the district court minutes of that date indicate the following:

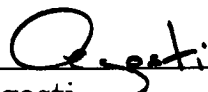
B. Clark, Esq. Present on behalf of Mr. Ogilvie (appellant's counsel below). Mr Clark advised his office has had no contact with the [sic] Mr. Lint (appellant in this matter) since February 1995, Mr. Lint owes Mr. Ogilvie a substantial amount of money in attorney fees, however, received a phone message from Mr. Lint yesterday that included a phone number of (206) 489-0121 and stated he could not be here because he doesn't have any money and will try to call back this evening. Mr. Clark requested that Mr. Ogilvie be allowed to withdraw as counsel as they have no way communicating with Mr. Lint. COURT ORDERED, G. OGILVIE'S MOTION TO WITHDRAW IS GRANTED AND DEFT'S


APPLICATION FOR PRELIMINARY
INJUNCTION IS GRANTED. At the request of
Mr. Erbeck, COURT FURTHER ORDERED,
WILL BE PERMANENT.¹

We acknowledge that the minutes are ambiguous in terms of counsel's remarks concerning communication with appellant. However, it appears at the very least that appellant was represented by counsel who was served with the application for injunctive relief. In light of the above, no opposition to the order appealed from having been submitted, and there having been no circumstances presented indicating a lack of due process, we hereby

AFFIRM the order of the district court.²


_____, C.J.
Maupin


_____, J.
Agosti


_____, J.
Leavitt

¹See NRC P 65(a)(2).

²Although 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.

cc: Hon. Jack Lehman, District Judge
Curtis W. Lint
Raleigh Hunt McGarry & Drizin
Clark County Clerk