

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IN THE MATTER OF THE
GUARDIANSHIP OF: STEPHEN
GOLDBERG AND FLORINE
GOLDBERG, ADULT WARD(S).

No. 70295

JULIE A. GOLDBERG,

Appellant,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK,
Respondent.

FILED

JUL 20 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER DISMISSING APPEAL

Julie Goldberg appeals from a district court order denying her petitions to recognize the true status of real property and to recover the protected persons' property. Eighth Judicial District Court, Family Court Division, Clark County; Cynthia Dianne Steel, Judge.


Julie, the guardian for protected persons Stephen and Florine Goldberg, petitioned the district court to recover the protected persons' real property and to recognize the true status of such property. The district court denied the petitions and Julie appealed. After Julie filed her opening brief, the Nevada Supreme Court ordered a limited remand so that the district court could vacate its order, hold an evidentiary hearing on the petition, and enter a new order. Thereafter, the district court entered a new order in which it determined that the real property at issue had since been conveyed to the protected persons' trust and therefore, the petition to recover the protected persons' property and any similar request no longer presented a legally contested issue. Respondent argues that this appeal is


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now moot. Julie did not file a reply brief or an amended notice of appeal to contest the new order.

“[A] controversy must be present through all stages of the proceeding, . . . and even though a case may present a live controversy at its beginning, subsequent events may render the case moot.” *Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010) (internal citations omitted). Having considered the documents before us, we conclude that this appeal is now moot because the order originally appealed from has been vacated and, as the district court determined, the property she sought to have returned to the protected persons has since been conveyed to the protected persons’ trust pursuant to other litigation. And as noted above, Julie has not filed an amended notice of appeal challenging the district court’s decision on remand. Moreover, by failing to file a reply brief addressing respondent’s mootness argument, Julie has waived any arguments that this appeal is not moot. *See State ex rel. State Bd. of Equalization v. Bakst*, 122 Nev. 1403, 1417 n.41, 148 P.3d 717, 726 n.41 (2006) (concluding appellant waived its argument when it did not refute respondent’s argument in its reply brief). Therefore, we

ORDER this appeal DISMISSED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Cynthia Dianne Steel, District Judge, Family Court Division
Julie A. Goldberg
Clark County District Attorney/Civil Division
Randall G. Forman
Eighth District Court Clerk