


IN THE SUPREME COURT OF THE STATE OF NEVADA

LAS VEGAS REVIEW-JOURNAL, INC.;
KEITH MOYER; GLENN COOK;
ANASTASIA HENDRIX; BRIANA
ERICKSON; AND ARTHUR KANE,
Appellants,
vs.
THE STATE OF NEVADA; AND LAS
VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondents.

No. 86857

FILED

OCT 16 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER DISMISSING APPEAL

This is an appeal from an interim district court order dissolving a preliminary injunction and setting forth a search protocol in a criminal case. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

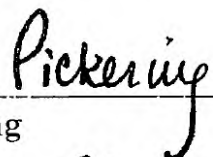
As background, appellants filed a civil complaint under NRS 179.085 seeking the return of seized devices, claiming that the devices contained privileged information belonging to them. The district court initially granted a preliminary injunction, and the case was then reassigned to the department presiding over the criminal case underlying the devices' seizure, in which appellants were permitted to intervene. The district court later dissolved the preliminary injunction and put in place a search protocol, entering the order on both the civil and the criminal dockets. Appellants filed separate notices of appeal from that decision in the civil and the criminal cases.

When our review of the appeal filed in the criminal case revealed a potential jurisdictional defect because no statute or court rule

provides for an appeal from such an order in a criminal case, we directed appellants to show cause why the appeal should not be dismissed for lack of jurisdiction. Appellants filed a timely response, and respondents filed a timely reply. Meanwhile, however, the appeal filed in the civil case was briefed and resolved. *See Las Vegas Review-Journal, Inc. v. State*, Docket No. 85553, 2023 WL 6533174 (Nev. Oct. 5, 2023) (Order of Reversal and Remand). Remittitur in that appeal issued on October 16, 2023. Thus, at this time, the order challenged in both appeals has been reversed and jurisdiction over it has been returned to the district court for further proceedings, such that we can no longer grant effective relief in this appeal, and the matter is moot. *see Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010) (holding that a case that initially presents a live controversy may be rendered moot by subsequent events). Accordingly, we

ORDER this appeal DISMISSED.


_____, J.
Cadish


_____, J.
Pickering


_____, J.
Bell

cc: Hon. Michelle Leavitt, District Judge
Ballard Spahr LLP/Denver
Ballard Spahr LLP/Las Vegas
Chesnoff & Schonfeld
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