

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

J. MICHAEL SUNDE; AND VIKTORIYA  
SOKOL SUNDE,  
Appellants,  
vs.  
VICTORIA A. CROCKETT; AND  
NEVADA DIVORCE AND DOCUMENT  
SERVICES, INC., A DOMESTIC  
CORPORATION,  
Respondents.

No. 88297-COA

**FILED**

APR 29 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

J. Michael Sunde and Viktoriya Sokol Sunde appeal from a district court order denying a motion to reopen a case and dissolve a permanent injunction. Second Judicial District Court, Washoe County; Lynne K. Jones, Chief Judge.

In 2010, appellants filed an action against Michael's daughter, respondent Victoria Crockett, and her husband individually relating to a dispute over the ownership of respondent Nevada Divorce and Document Services, Inc. (Nevada Divorce). Nevada Divorce filed a separate action against appellants. Both actions sought, among other things, injunctive relief prohibiting and undoing each other's actions regarding Nevada Divorce.

The cases were consolidated, and the district court held a preliminary injunction hearing, during which the parties presented extensive documentary and testimonial evidence. After the hearing, the district court advanced the hearing to a trial on the merits under NRCP 65(a)(2) and ultimately entered judgment, including a monetary judgment



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and a permanent injunction, in favor of Crockett and Nevada Divorce. The supreme court affirmed the district court's judgment, concluding that substantial evidence supported its findings and judgment and that it did not abuse its discretion in entering the permanent injunction to enjoin appellants from interfering with Nevada Divorce. *Sunde v. Crockett*, No. 57574, 2013 WL 210596, at \*2 (Nev. Jan. 17, 2013) (Order of Affirmance).

In February 2023, appellants filed a motion to reopen the case for termination of the 13-year-old permanent injunction. Appellants cited to NRS 11.190 and NRCP 65, and alleged that the permanent injunction had expired, that "all issues of the [p]ermanent [i]njunction have been completed by [appellants] or terminated due to age," and that they had not violated the injunction for 13 years. Following this filing, appellants filed several motions seeking to disqualify the district court judge, which were all denied.

Crockett thereafter filed an opposition, individually and on behalf of Nevada Divorce, arguing that the injunction was permanent and did not need to be renewed, and that there were no statutes of limitations providing for the expiry of permanent injunctions. Moreover, Crockett asserted that the injunction stated what appellants were prohibited from doing, so it was never "complete," and it was irrelevant that appellants never violated it. In reply, appellants contended that Crockett's argument that the injunction could not be lifted had no basis and that various judges were corrupt and biased in favor of Crockett. They also asserted that Crockett could not represent Nevada Divorce since she was not an attorney.

The district court held a hearing on appellants' motion to reopen the case. Michael, Viktoriya, and Crockett all appeared without attorneys. Appellants reiterated their arguments that Crockett was

engaged in the unauthorized practice of law since she was attempting to represent Nevada Divorce as a non-attorney and that the previous judges had all sided with Crockett and failed to listen to them. Although the court attempted to have appellants state the legal basis to remove the injunction, appellants instead repeatedly argued that the evidence on which the injunction was based was fabricated and constituted a fraud upon the court and, therefore, the injunction itself was void.

The district court informed Crockett that she could not represent Nevada Divorce, and the corporation could not appear pro se, but allowed Crockett to argue on her own behalf. Crockett described the various court cases that appellants had initiated against her in relation to this matter and stated that Viktoriya had been stalking her and following her, which made her concerned about what appellants would do if the injunction was removed. In response to the court's questioning about whether the judgment and injunction had or needed to be renewed, Crockett acknowledged that she had never renewed the judgment but asserted that the monetary judgment against appellants had been discharged in a bankruptcy proceeding, and the injunction was permanent and did not need to be renewed.

The district court subsequently entered a written order denying appellants' motion. The court concluded that NRS 11.190 did not provide a limitation on the lifespan of a permanent injunction and appellants failed to support their contention that the injunction order was required to be renewed. Further, the court found that the justification for granting the injunction still existed and Crockett and Nevada Divorce "remain subject to the injury the injunction specifically seeks to inhibit." The court also concluded that, while NRCP 65(d) applies to permanent injunctions, it did

not provide a basis to dissolve the injunction because the contents of the injunction had already been subject to meaningful appellate review by the supreme court.

With respect to Crockett representing Nevada Divorce, the court found that she was not attempting to practice law, she did not identify herself as counsel of record, and she did not hold herself out to appear as counsel, though she presented herself as Nevada Divorce's representative. The court concluded that Crockett was prohibited from representing Nevada Divorce in this matter, and despite her statement that she was its representative, neither party was prejudiced since Crockett was named individually in the order granting the permanent injunction and the court's analysis and determinations were the same regardless of whether Crockett and Nevada Divorce opposed appellants' motion. This appeal followed.

"The granting, refusing or dissolving of injunctions or restraining orders is a matter of discretion." *Coronet Homes, Inc. v. Mylan*, 84 Nev. 435, 437, 442 P.2d 901, 902 (1968). Here, although appellants appeal from the district court order denying their motion to reopen the case and dissolve the permanent injunction, their arguments on appeal are essentially challenging the validity of the 2010 permanent injunction rather than asserting a basis for dissolving the injunction. They contend that the evidence on which the injunction was based was fabricated and assert that, in 2010, Crockett, the district court, and Crockett's then-attorney conspired to commit fraud and cover up Crockett's alleged misconduct relating to Nevada Divorce. Based on that alleged fraud upon the court, appellants argue that the injunction was void and that fraud upon the court can be raised at any time.

To the extent that appellants purport to challenge the propriety of the 2010 permanent injunction through their underlying motion and the appeal from the denial of that motion, such a challenge is improper because the order issuing the permanent injunction was previously appealed and upheld by our supreme court and thus appellants' arguments in this regard are barred by the law of the case doctrine. *See Sunde*, 2013 WL 210596, at \*1-2 (concluding that the district court did not abuse its discretion by permanently enjoining appellants from interfering with Nevada Divorce); *see also Est. of Adams v. Fallini*, 132 Nev. 814, 819, 386 P.3d 621, 624 (2016) (explaining that "[t]he law-of-the-case doctrine refers to a family of rules embodying the general concept that a court involved in later phases of a lawsuit should not re-open questions decided (i.e., established as law of the case) by that court or a higher one in earlier phases" (internal quotation marks omitted)); *Hsu v. Cnty. of Clark*, 123 Nev. 625, 630, 173 P.3d 724, 728 (2007) (noting that the law of the case doctrine "is designed to ensure judicial consistency and to prevent the reconsideration, during the course of a single continuous lawsuit, of those decisions which are intended to put a particular matter to rest" (internal quotation marks omitted)).

And while appellants argued below that the permanent injunction should be dissolved because Crockett failed to renew it, the issues related to the injunction were completed, the injunction had terminated due to age, and they had not violated the injunction in 13 years, they do not raise these arguments on appeal. As a result, any such arguments have been waived. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that issues an appellant does not raise on appeal are waived).


Next, to the extent appellants contend the district court exhibited bias and that their various motions to disqualify the district court judge should have been granted, they have not demonstrated that the court's decisions in the underlying case were based on knowledge acquired outside of the proceedings and its decisions did not otherwise reflect "a deep-seated favoritism or antagonism that would make fair judgment impossible." *Canarelli v. Eighth Jud. Dist. Ct.*, 138 Nev. 104, 107, 506 P.3d 334, 337-38 (2022) (internal quotation marks omitted) (explaining that unless an alleged bias has its origins in an extrajudicial source, disqualification is unwarranted absent a showing that the judge formed an opinion based on facts introduced during official judicial proceedings and which reflects deep-seated favoritism or antagonism that would render fair judgment impossible); see *In re Petition to Recall Dunleavy*, 104 Nev. 784, 789, 769 P.2d 1271, 1275 (1988) (providing that rulings made during official judicial proceedings generally "do not establish legally cognizable grounds for disqualification"); see also *Rivero v. Rivero*, 125 Nev. 410, 439, 216 P.3d 213, 233 (2009) (stating that the burden is on the party asserting bias to establish sufficient factual grounds for disqualification), *overruled on other grounds by Romano v. Romano*, 138 Nev. 1, 6, 501 P.3d 980, 984 (2022), *abrogated in part on other grounds by Killebrew v. State ex rel. Donohue*, 139 Nev., Adv. Op. 43, 535 P.3d 1167, 1171 (2023). Thus, we conclude relief is unwarranted on this point. Further, to the extent that appellants' bias arguments are based on the district court ruling against them, such arguments likewise do not provide a basis for relief. See *Dunleavy*, 104 Nev. at 789, 769 P.2d at 1275. And given the forgoing analysis, we discern no abuse of discretion in the denial of appellants' various motions to disqualify the district court judge. See *Ivey v. Eighth Jud. Dist. Ct.*, 129 Nev. 154, 162,

299 P.3d 354, 359 (2013) (reviewing a district court's decision regarding a motion to disqualify a judge for an abuse of discretion).

Finally, as to appellants' unauthorized practice of law argument, nothing in the record or appellants' briefing demonstrates that the district court did not properly address the issue, and they have failed to demonstrate any prejudice from the district court's handling of this issue that warrants relief.

Accordingly, based on the reasoning set forth above, we discern no abuse of discretion in the district court's denial of appellant's motion to reopen the case and dissolve the injunction. *Coronet Homes, Inc.*, 84 Nev. at 437, 442 P.2d at 902. We therefore affirm that determination.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Bulla

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Lynne K. Jones, Chief Judge  
J. Michael Sunde  
Viktoriya Sokol Sunde  
Lance R Van Lydegraf  
Washoe District Court Clerk