

Case No. 83385

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEPHEN SISOLAK, Governor of Nevada, AARON FORD, Attorney General of Nevada, GEORGE TOGLIATTI, Director of the Nevada Department of Public Safety, MINDY MCKAY, Administrator of the Records, Communications, and Compliance Division of the Nevada Department of Public Safety,

Electronically Filed
Dec 17 2021 09:06 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Appellants,

v.

POLYMER80, INC.

Respondent.

On Appeal from the Third Judicial
District Court of the State of Nevada
Case No. 21-CV-00690

APPELLANTS' NOTICE OF MOOTNESS

AARON D. FORD
Attorney General
Nevada Bar No. 7704
STEVE SHEVORSKI
Chief Litigation Counsel
Nevada Bar No. 8256
Office of the Nevada Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, NV 89101
sshevorski@ag.nv.gov

Attorneys for Appellants

The district court entered a written order granting Respondent Polymer80, Inc. a preliminary injunction against enforcement of Section 3.5 of Assembly Bill 286 on July 16, 2021. Appellants appealed the district court's order on August 18, 2021.

The case proceeded before the district court. Following discovery and cross motions for summary judgment, the district court entered summary judgment (including a permanent injunction) against enforcement of Sections 3 and 3.5 of Assembly Bill 286.

Appellants intend to appeal the district court's judgment for similar legal reasons as this appeal. However, because the district court's preliminary injunction is no longer in effect, Appellants submit that the object of this specific appeal is now moot. *Matter of W.N. Connell & Marjorie T. Connell Living Tr.*, 133 Nev. 137, 142, 393 P.3d 1090, 1094 (2017) (observing that a preliminary injunction merges into a subsequent final judgment such that an appeal from the order granting preliminary injunctive relief becomes moot)

For the foregoing reasons, this appeal should be dismissed as moot, with no prejudice as to any appeal Appellants will pursue against the more recent summary judgment and permanent injunction.

Dated this 17th day of December, 2021.

AARON FORD
Attorney General

By: /s/ Steve Shevorski
Steven Shevorski
Chief Litigation Counsel
Attorneys for Appellants

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court by using the electronic filing system on the 17th day of December, 2021, and e-served the same on all parties listed on the Court's Master Service List.

/s/ Traci Plotnick

Traci Plotnick, an employee of the
Office of the Attorney General