

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID HARRISON DEGRAW,  
Petitioner,  
vs.  
THE EIGHTH JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
CLARK; AND THE HONORABLE  
LINDA MARQUIS, DISTRICT JUDGE,  
Respondents,  
and  
MISTY JO DEGRAW,  
Real Party in Interest.

No. 72528

**FILED**

AUG 28 2017

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER TO SHOW CAUSE*

This original petition for a writ of mandamus or prohibition challenges a district court order finding NRS 1.310 unconstitutional.

Our review of the documents submitted to this court reveals a potential defect. Specifically, it appears that the district court's ruling being challenged is contained in a "minute order" without entry of a written order. *See Rust v. Clark Cty. Sch. Dist.*, 103 Nev. 686, 689, 747 P.2d 1380, 1382 (1987) ("The district court's oral pronouncement from the bench, the clerk's minute order, and even an unfiled written order are ineffective for any purpose . . . ."); *see also Div. Child & Family Servs. v. Eighth Judicial Dist. Court*, 120 Nev. 445, 451-54, 92 P.3d 1239, 1243-45 (2004).

It further appears this matter may have been rendered moot as, subsequent to the filing of the petition, the 2017 legislative session concluded, and this court granted the real party in interest's motion to lift the stay of the proceedings in the district court. This court's duty is "to decide actual controversies by a judgment which can be carried into effect,

and not to give opinions upon moot questions . . . .” *Nat’l Collegiate Athletic Ass’n v. Univ. of Nev.*, 97 Nev. 56, 57, 624 P.2d 10, 10 (1981). However, this court will consider an issue even where it is moot when the matter is “capable of repetition, yet evading review.” *Traffic Control Servs., Inc. v. United Rentals Nw., Inc.*, 120 Nev. 168, 172, 87 P.3d 1054, 1057 (2004).

Accordingly, we set the following parallel deadline for the parties to respond to these potential defects. Each party shall have ten days from the date of this order to submit any written order filed in the district court as a result of the district court’s minute order, or otherwise show cause as to why this court should entertain the petition in the absence of a written order. The parties should also show cause as to why this petition should not be dismissed as moot.

It is so ORDERED.

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*Cherry*, C.J.

cc: Hon. Linda Marquis, District Judge, Family Court Division  
Nevada Family Law Group  
Ghandi Deeter Blackham  
Legislative Counsel Bureau Legal Division  
Eighth District Court Clerk