

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAY KVAM,

Appellant,

vs.

BRIAN MINEAU; AND LEGION
INVESTMENTS, LLC,

Respondents.

No. 81422

FILED

OCT 14 2020

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

ORDER REGARDING MOTIONS

This is an appeal from an order granting in part and denying in part a motion for summary judgment in a disputed joint venture. At issue is this court's jurisdiction over the order appealed from. It is undisputed that claims remain pending for resolution below and the district court did not certify the order appealed from as final pursuant to NRCP 54(b). The court resolved most claims and counterclaims, but specifically directed that appellant's claims for an accounting and dissolution and appointment of a receiver be set for trial. Among the claims denied, was appellant's claim for a temporary and permanent injunction such that respondents be precluded from conducting any further business or incurring any liabilities pursuant to the joint venture except as approved by the court. Appellant has filed a "Motion to Determine Appealable Order," respondents oppose the motion, and appellant has filed a reply.¹ Respondents have filed a motion to dismiss

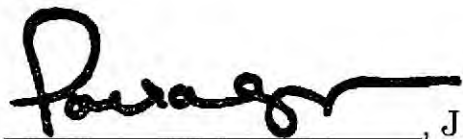
¹Appellant's motion to exceed the page limit is granted. The reply was filed on September 9, 2020.

the appeal for lack of jurisdiction, appellant opposes the motion, and respondents have filed a reply.

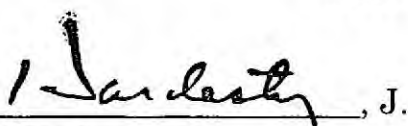
An order refusing to grant injunctive relief is appealable. *See* NRAP 3A(b)(3). Here the purpose of the request for an injunction was to prevent further conduct with the joint venture pending the dissolution and final winding up. This court has jurisdiction independently of the finality of the proceedings below. The motion to dismiss is denied, and this appeal may proceed as to the refusal to grant injunctive relief.

The deadlines for filing documents are reinstated as follows. Appellant shall have 14 days from the date of this order to file and serve a transcript request form or certificate of no transcript request. *See* NRAP 9(a). Appellant shall have 90 days from the date of this order to file and serve the opening brief and appendix. The opening brief should be limited to addressing the issues regarding the refusal to grant injunctive relief. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.

 J.

Parraguirre

 J.
Hardesty

 J.
Cadish

cc: Matuska Law Offices, Ltd.
Gunderson Law Firm