

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAY KVAM,
Appellant,
vs.
BRIAN MINEAU; AND LEGION
INVESTMENTS, LLC,
Respondents.

No. 81422-COA

FILED

JUN 16 2021

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

ORDER OF AFFIRMANCE

Jay Kvam appeals from a district court order denying injunctive relief in a contract action. Second Judicial District Court, Washoe County; Lynne K. Simons, Judge.

Michael Spinola contacted Kvam, a real estate agent and investor, about an investment project, where they would purchase real property in Chicago and bid for a contractor to renovate the property.¹ Spinola introduced Kvam to Brian Mineau, the manager and sole member of Legion Investments, LLC (Mineau), to break down the costs and potential profit for the investment project.

Mineau, Kvam, and Spinola contracted with TNT Complete Facility Care, Inc. (TNT) to renovate the property. However, TNT failed to complete the project by the agreed upon deadline, and it became increasingly unresponsive to Kvam and Mineau. Months after TNT was supposed to complete the project, it became apparent to Kvam that TNT likely abandoned the project.

Kvam sued Mineau, alleging several claims based on allegations that Mineau misrepresented his expertise and relationship with TNT, and

¹We do not recount the facts except as necessary to our disposition.

that he conspired with TNT to defraud Kvam of his investment. The district court heard Kvam's request for injunctive relief and found that it was legally ineffectual based on an order that granted Kvam all interest in the joint venture.²

Kvam claims the district court erred when it denied his request for injunctive relief because the district court thought that he sought injunctive relief to prevent Mineau from absconding with the proceeds of sale from the Chicago property after the investment project failed. Kvam claims he asked for injunctive relief to instead "prevent Mineau from conducting any further business on behalf of the joint venture."³

Here, the district court assigned all interest in the joint venture to Kvam, thus Mineau had already been prevented from conducting any further business on behalf of the joint venture. Therefore, we affirm the district court's denial of Kvam's claim for injunctive relief as Mineau no longer holds an interest in the joint venture, making the injunctive relief requested by Kvam moot.


²On appeal, the Nevada Supreme Court has limited our review to Kvam's claim for injunctive relief. *Kvam v. Mineau*, Docket No. 81422 (Order Regarding Motions, October 14, 2020). To the extent that Kvam raised additional arguments that we have not addressed, we have considered them and conclude that they are procedurally barred pursuant to the Nevada Supreme Court's order, and thus, we need not reach them.

³Kvam also claims that he needs the option to pursue a second motion for injunctive relief for an amount that was refunded to Mineau, but nothing prevents Kvam from making such a motion below.

Therefore, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Lynne K. Simons, District Judge
Janet Chubb, Settlement Judge
Matuska Law Offices, Ltd.
Gunderson Law Firm
Washoe District Court Clerk