

IN THE SUPREME COURT OF THE STATE OF NEVADA

JENNIFER BREKHUS, A/K/A JENNY
BREKUS,

Appellant,

vs.

WILLIAM MANTLE,

Respondent.

No. 84821

FILED

SEP 19 2022

FILED WITH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

*ORDER DISMISSING APPEAL AND DISMISSING CROSS-APPEAL IN
PART*

This is an appeal and cross-appeal from a district court order denying a challenge to candidacy and denying request for fees and costs. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

William Mantle, a 2022 candidate for mayor of the city of Reno, challenged the candidacy of Jennifer Brekhus to hold the same office. Mantle argued that under Article 15 § 3(2) of the Nevada Constitution, Brekhus was not eligible to be a candidate for mayor. The district court denied the challenge and found that, while Mantle's challenge to Brekhus's candidacy was timely, Brekhus's candidacy did not violate the Nevada Constitution. Further, the district court denied Brekhus's request for attorney fees and costs. The primary mayoral election was held in June 2022, and both Brekhus and Mantle were defeated.

Mantle timely appealed from the district court's order, and Brekhus filed a timely cross-appeal. Brekhus has moved to dismiss Mantle's appeal, arguing that the result of the primary election has

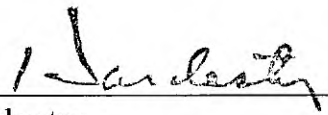
rendered the appeal moot. Mantle opposes the motion, and Brekhus has filed a reply.

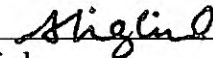
Having considered the parties' filings, this court concludes that this appeal is moot. This court has a duty "to decide actual controversies by a judgment which can be carried into effect, and not to give opinions upon moot questions or abstract propositions, or to declare principles of law which cannot affect the matter in issue before it." *Univ. & Cmty. Coll. Sys. of Nev. v. Nevadans for Sound Gov't*, 120 Nev. 712, 720, 100 P.3d 179, 186 (2004) (internal quotation marks omitted); see also *Personhood Nev. v. Bristol*, 126 Nev. 599, 245 P.3d 572 (2010) (explaining that a controversy must be present through all stages of the proceeding, and even though a case may present a live controversy at its beginning, subsequent events may render the case moot); *Waste Mgmt. of Nev. v. W. Taylor St.*, 135 Nev. 168, 169, 443 P.3d 1115, 1116 (2019) ("As a general rule, this court will decline to hear any case in which there is no actual controversy."). Here, as a result of her defeat in the June primary, Brekhus cannot and will not appear on the November general election ballot for mayor of Reno, and she cannot be elected to that office. Thus, it appears that Mantle has received the relief he sought in challenging Brekhus's candidacy. In his opening brief, Mantle states that he seeks an "order correcting the record" from this court, as he believes that the district court misinterpreted Article 15 § 3(2). "This court will not render advisory opinions on moot or abstract questions." *Personhood Nev.*, 126 Nev. at 603, 245 P.3d at 575 (internal quotation marks omitted). Mantle's appeal is moot, and the motion to dismiss is granted.


In her motion to dismiss, Brekhus states that if the motion to dismiss is granted, her cross-appeal in relation to the timeliness of Mantle's

challenge to her candidacy would be rendered moot. Accordingly, Brekhus's cross-appeal is dismissed in part. Brekhus's challenge to the denial of her request for fees and costs shall remain, and the clerk of this court shall amend the caption on this appeal consistent with the caption on this order. Brekhus shall have 30 days from the date of this order to file and serve an opening brief and appendix. Thereafter, briefing shall proceed in accordance with NRAP 31(a)(1).

It is so ORDERED.


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Herndon

cc: Hon. Connie J. Steinheimer, District Judge
William Mantle
Reno City Attorney
John L. Marshall
Luke A. Busby
Washoe District Court Clerk