

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GREGORY O. GARMONG,

Plaintiff,

Case No. 3:17-CV-00444-RCJ-WGC

VS.

ORDER

TAHOE REGIONAL PLANNING AGENCY, et al.,

Defendants.

15 Following appeal, this Court held a status hearing on July 20, 2020 to determine how the
16 case shall proceed. (ECF No. 132.) At this hearing, the Court instructed Plaintiff to refile his
17 motion for a preliminary injunction and to amend his complaint if he desired; both within fifteen
18 days. The Court also gave leave for Defendants to refile motions to dismiss but did not provide a
19 deadline. Lastly, the Court instructed the parties to file in-blind briefs on the issue of claim-by-
20 claim standing, which they have, (ECF Nos. 133–34.) In Plaintiff’s brief, he “elect[ed] not to amend
21 his complaint and] to rest on his first amended complaint” and “request[ed] that the Court decide
22 the pending Motion for Preliminary Injunction and elect[ed] not to file a new or revised motion.”
23 (ECF No. 133.)

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This Court therefore orders that Defendants file an updated response to Plaintiff's motion for a preliminary injunction by December 4, 2020. Plaintiff may file an updated reply to this response by December 18, 2020. In these briefs, the parties should address whether the motion is moot as the construction appears to be complete. The record for Permit # ERSP2015-0778 is listed on both TRPA's parcel information database and its Accela Citizen Access database as "Project Completed." ERSP2015-0778, TRPA Parcel Tracker, <https://parcels.laketahoeinfo.org/AccelaCAPRecord/Detail/ERSP2015-0778> (last visited Aug. 25, 2020); Record ERSP2015-0778, TRPA Accela Citizen Access, <https://aaweb.trpa.org/CitizenAccess/Cap/CapDetail.aspx?Module=Building&TabName=Building&agencyCode=TRPA&capID1=15HIS&capID2=00000&capID3=00986> (last visited Aug. 25, 2020). On the Parcel Tracker page, one of the "CAP DOCUMENTS" is "FINAL INSPECTION PHOTOS TAKEN 10-29-2019," which includes photographs showing finished asphalt paving, landscaping, fencing, and the monopole itself. Finally, both sites indicate that Defendant Verizon's security interest was released on "11/15/19."

Additionally, Defendants shall file their motions to dismiss the operative complaint by December 4, 2020. Responses and replies to these motions shall follow the ordinary course of briefing as dictated by the LR 7-2(b).

IT IS SO ORDERED.

Dated November 12, 2020.

ROBERT C. JONES
United States District Judge