

COURT OF APPEALS FOR THE FOURTEENTH DISTRICT OF TEXAS

**N.W. Enterprises, Inc. d/b/a Gaslight News & Video v. City of
Houston**

N.W. Enterprises · No. 14-09-00561-CV · Decided February 4, 2010

OPINION

PER CURIAM.

Dismissed and Memorandum Opinion filed February 4, 2010. In The Fourteenth Court of Appeals
_____ NO. 14-09-00561-CV _____ N.W. ENTERPRISES, INC., D/B/A
GASLIGHT NEWS & VIDEO, Appellant V. CITY OF HOUSTON, Appellee On Appeal from the
133rd District Court Harris County, Texas Trial Court Cause No. 2008-44756 M E M O R A N D
U M O P I N I O N This appeal is from an order signed June 9, 2009, in which the trial court
granted a temporary injunction.

Appellee filed a motion to dismiss the appeal as moot and appellant responded. In the order on
appeal, the trial court enjoined appellant from operating an adult arcade and ordered appellant to
secure that section of the premises. Subsequently, in accordance with a lease termination
agreement between appellant and the landlord, appellant vacated the premises.

Appellee and the landlord of the premises then entered into an agreed interlocutory declaratory
judgment and permanent injunction declaring the premises ineligible for the operation of any
sexually-oriented business. Appellee claims the appeal is moot because appellant no longer
occupies or operates an adult arcade at the premises. Appellant argues the appeal is not moot
because appellant has an interest in recovering damages, resuming operations at another location,
and protecting the operation of a second store that is under threat of similar injunction.

We are prohibited from reviewing a temporary injunction that is moot because such a review
would constitute an impermissible advisory opinion. *Nat'l Collegiate Athletic Ass'n v. Jones*, 1
S.W.3d 83, 86 (Tex. 1999). When a temporary injunction becomes inoperative, the issue of its
validity is moot. *Id.* We must dismiss the case once it becomes moot on appeal. *Isuani v. Manske-*
sheffield Radiology Group, P.A., 802 S.W.2d 235, 236 (Tex.

1991). The temporary injunction on appeal has clearly become inoperative. Any opinion regarding
whether the trial court erred in granting the temporary injunction would therefore be advisory and
without any practical legal effect. Appellee's motion is granted and the appeal is ordered
dismissed. PER CURIAM Panel consists of Justices Frost, Boyce, and Sullivan.

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