


IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES E. FARMER,  
Appellant,  
vs.  
JESUS FERNANDEZ AND MARIA  
FERNANDEZ,  
Respondents.

No. 46540

**FILED**

MAR 12 2008

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court judgment entered on a jury verdict in a personal injury action and a post-judgment order denying a new trial. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

Appellant James Farmer contends that a new trial is warranted in light of certain statements made by respondents' trial attorney regarding the parties' pre-trial arbitration proceedings.<sup>1</sup> The parties are familiar with the facts and we do not recount them here except as necessary to our disposition.

Because Farmer failed to object to the statements in question, they are only reviewable if they "amounted to irreparable and

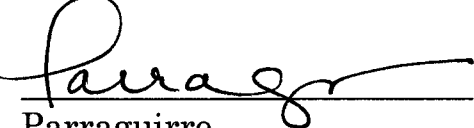
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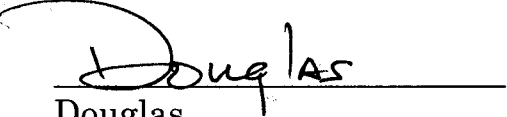
<sup>1</sup>Farmer also argues that reversal is warranted because of a juror's question about the amount of damages sought by respondents. Because the district court did not answer this question, instead directing the juror to the evidence and closing arguments, we conclude that no error occurred.

fundamental error.”<sup>2</sup> We conclude that the statements in question did not meet this standard.<sup>3</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>4</sup>

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. Mark R. Denton, District Judge  
Eugene Osko, Settlement Judge  
John R. Hawley  
Ronald M. Pehr  
Michael E. Rowe  
Craig P. Kenny & Associates  
Eighth District Court Clerk

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<sup>2</sup>Lioce v. Cohen, 124 Nev. \_\_\_, \_\_\_ P.3d \_\_\_, \_\_\_ (2008).

<sup>3</sup>See id.

<sup>4</sup>This case involves certain trial statements made about Farmer’s presence at the parties’ mandatory pre-trial arbitration proceedings. See NRS 38.350. Although the case raises an important issue regarding the admissibility of an arbitrator’s findings under NRS 38.259, the record here is insufficient to allow us to properly review and interpret that statute.