IN THE SUPREME COURT OF THE STATE OF NEVADA

DEBORAH DIXON, AN INDIVIDUAL,
Appellant,
vs.
STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY, AN ILLINOIS COMPANY,
Respondent.

No. 47120

FILED

MAR 09 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order dismissing an action in an insurance matter. Eighth Judicial District Court, Clark County; Michael A. Cherry, Judge.

Appellant Deborah Dixon apparently sustained injuries requiring medical treatment in an automobile accident between her and Robert Armstrong in Cincinnati, Ohio, Dixon's residence at the time. Dixon settled her resulting claim with Armstrong for his automobile insurance policy limits. Dixon then made a claim with her insurer, respondent State Farm Mutual Automobile Insurance Company, under her policy's underinsured motorist provision. But Dixon and State Farm were unable to reach an agreement concerning her claim.

Meanwhile, Dixon relocated to Henderson, Nevada. Thereafter, because Dixon and State Farm continued to disagree concerning her insurance claim, she instituted an action against State Farm in a Nevada district court. State Farm moved to dismiss the action based on the doctrine of forum non conveniens, arguing, among other things, that because Dixon received the majority of her medical attention

related to the accident in Ohio, the accident that is the basis of her claim occurred in Ohio, and Dixon's insurance claim was handled in Ohio for over a year before she relocated to Nevada, Ohio was the appropriate, more convenient forum to litigate the underlying dispute. Dixon opposed the motion, arguing, among other things, that because she received significant medical attention outside of Ohio and continues to receive medical attention in Nevada, she is a Nevada resident, State Farm is a national company with a significant presence in Nevada, and a presumption for the plaintiff's choice of forum exists, Nevada was at least as convenient a forum as Ohio.

The district court granted State Farm's motion, dismissing the underlying action without prejudice, based on the doctrine of forum non conveniens. This appeal followed.

The district court's consideration of a motion invoking the doctrine of forum non conveniens is an exercise of judicial discretion "requiring a balancing of many factors."[1] Here, the district court considered the appropriate factors in deciding the motion to dismiss on forum non conveniens grounds[2] and ostensibly determined that they

---

[1]See Payne v. District Court, 97 Nev. 228, 229, 626 P.2d 1278, 1279 (1981), overruled in part on other grounds by Pan v. Dist. Ct., 120 Nev. 222, 228, 88 P.3d 840, 844 (2004).

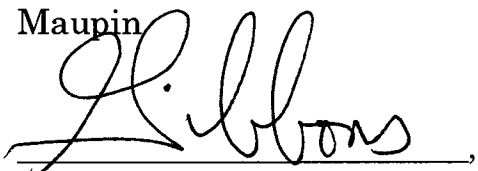
[2]See Eaton v. District Court, 96 Nev. 773, 774, 616 P.2d 400, 401 (1980) (listing several factors to be balanced in resolving a motion invoking the doctrine of forum non conveniens), overruled in part on other grounds by Pan, 120 Nev. at 228, 88 P.3d at 844.

weighed strongly in favor of a different forum.[3] After reviewing the record, we are unable to conclude that the court abused its discretion.

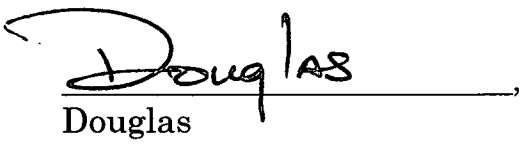
Accordingly, we

ORDER the judgment of the district court AFFIRMED.

_____, C.J.
Maupin



_____, J.
Gibbons



_____, J.
Douglas

cc: Eighth Judicial District Court Dept. 17, District Judge
Lester H. Berkson, Settlement Judge
Woods Erickson Whitaker Miles & Maurice, LLP
Hall Jaffe & Clayton, LLP
Eighth District Court Clerk

---

[3]Eaton, 96 Nev. at 774-75, 616 P.2d at 401.