

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENNIS GEORGE NEEDHAM,
Appellant,
vs.
TRIPLE BRAIDED CORD, LLC,
Respondent.

No. 47516

FILED

JAN 11 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. B. [Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a default judgment in a quiet title action. Eighth Judicial District Court, Clark County; Michael A. Cherry, Judge.

Appellant Dennis Needham has appealed from a default judgment, which in relevant part, awarded to respondent Triple Braided Cord, LLC ("TBC") 1) a permanent writ of restitution, 2) \$3,600 for reasonable fair rental value of the property for the period that Needham unlawfully remained in possession of it, and 3) a total of \$709.28 in court costs and \$8,458 in attorney fees, which included an earlier award of \$2,700 for attorney fees as sanctions when Needham was declared by the court to be a vexatious litigant.

Needham challenges the default judgment, certain district court procedures and its exercise of subject matter and personal jurisdiction, and several interlocutory orders, including the one declaring him to be a vexatious litigant. Having reviewed the record on appeal and Needham's proper person appeal statement, we conclude that his arguments, including those relating to subject matter and personal jurisdiction, are without merit.

With respect to the vexatious litigant order, the district court did not abuse its discretion in declaring that Needham is a vexatious litigant. As required under our decision in Jordan v. State, Department of Motor Vehicles,¹ the district court complied with the four-factor analysis in determining that Needham's court access should be restricted. First, the district court provided Needham with reasonable notice of and an opportunity to oppose respondent's motion to declare him a vexatious litigant and seeking sanctions. Second, the district court created an adequate record for review, as its order explained in detail its reasons why Needham's court access should be restricted.

Third, the district court made substantive findings as to the frivolous and harassing nature of Needham's actions, specifically naming and striking various documents filed by him that created the appearance of legal process and rulings, but that the court found lacked merit or substance and were designed to mislead and to misuse the legal system.

Fourth, the district court's order was narrowly tailored to address the specific problem encountered, enjoining Needham from moving in proper person to set aside the default or from filing any documents in that district court case unless they were filed and signed by a Nevada licensed attorney. The district court also enjoined Needham from filing any document with any state, county or municipal court or government agency of the State of Nevada, including the Nevada Secretary of State and the Clark County Recorder's Office, which referred to Needham as the creditor or judgment creditor of TBC, its members, or


¹121 Nev. 44, 60-62, 110 P.3d 30, 42-44 (2005).

its counsel. But the district court did not preclude Needham from filing any document necessary to perfect or prosecute his appeal to this court.

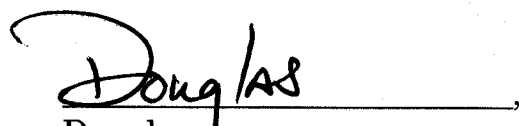
For the same reasons, we conclude that the district court did not abuse its discretion by striking certain irrelevant documents that Needham filed, or by sanctioning Needham with attorney fees and costs.² Moreover, we conclude that the district court did not abuse its discretion in entering the default judgment against Needham.³ Accordingly, we

ORDER the district court's judgment AFFIRMED.

It is so ORDERED.⁴


_____, J.
Gibbons


_____, J.
Parraguirre


_____, J.
Douglas

²See Simonian v. Univ. & Cmty. Coll. Sys., 122 Nev. ___, ___, 128 P.3d 1057, 1063 (2006) (reviewing NRCP 11(c) sanctions under an abuse of discretion standard); Bergmann v. Boyce, 109 Nev. 670, 674, 856 P.2d 560, 563 (1993) (stating that the decision to award attorney fees is within the district court's sound discretion); Nelson v. Peckham Plaza Partnerships, 110 Nev. 23, 26, 866 P.2d 1138, 1139-40 (1994) (refusing to disturb a district court's attorney fee award absent a manifest abuse of discretion); Allianz Ins. Co. v. Gagnon, 109 Nev. 990, 996, 860 P.2d 720, 724 (1993) (explaining that for purposes of an attorney fee award under NRS 18.010(2)(b), that a complaint is groundless if its allegations are "not supported by any credible evidence").

³See Britz v. Consolidated Casinos Corp., 87 Nev. 441, 488 P.2d 911 (1971).

⁴We have reviewed the proper person document filed on January 8, 2007, and have determined that no relief is warranted.

cc: Eighth Judicial District Court Dept. 17
Dennis George Needham
Edgar C. Smith III
Clark County Clerk