

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT LANGERMANN,  
Appellant,  
vs.  
MATTHEW R. VANNAH,  
Respondent.

No. 48580

FILED

MAR 09 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 district court order dismissing appellant's legal malpractice complaint. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

Having reviewed the record, appellant's proper person appeal statement, and appellant's opening brief,<sup>1</sup> we conclude that the district court did not err in dismissing appellant's complaint.<sup>2</sup> In particular, since appellant admitted that the adverse arbitration award occurred before respondent withdrew, and that respondent's withdrawal occurred nine


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<sup>1</sup>Since appellant's opening brief was attached to his February 14, 2007 motion for leave to file it, and has thus already been filed, we deny the motion as moot.

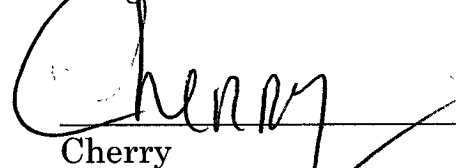
<sup>2</sup>See NRCP 12(b)(5); Breliant v. Preferred Equities Corp., 109 Nev. 842, 845, 858 P.2d 1258, 1260 (1993) (noting that, in determining whether a claim has been stated, all inferences must be construed in favor of the non-moving party, and all factual allegations in the complaint must be accepted as true); Edgar v. Wagner, 101 Nev. 226, 699 P.2d 110 (1985) (stating that, in reviewing an order granting a motion to dismiss, this court's task is to determine whether the challenged pleading sets forth allegations sufficient to make out the elements of a right to relief).

months before trial, the necessary element of causation is lacking as a matter of law.<sup>3</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Gibbons

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

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Elizabeth Goff Gonzalez, District Judge  
Robert Langermann  
Vannah & Vannah  
Eighth District Court Clerk

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<sup>3</sup>Kahn v. Morse & Mowbray, 121 Nev. 464, 117 P.3d 227 (2005) (listing elements of legal malpractice claim); Perez v. Las Vegas Medical Center, 107 Nev. 1, 4, 805 P.2d 589, 590-91 (1991) (stating that judgment as a matter of law is appropriate if the defendant negates an essential element of the plaintiff's claim); Van Cleave v. Kietz-Mill Minit Mart, 97 Nev. 414, 633 P.2d 1220 (1981) (same).