


IN THE SUPREME COURT OF THE STATE OF NEVADA

BRENDA K. CAPPS,
Appellant,
vs.
TREVOR STEWART, INDIVIDUALLY
AND AS AN EMPLOYEE, AND
BELLAGIO, LLC, D/B/A BELLAGIO,
Respondents.

No. 50317

FILED

JAN 13 2010

TRACEE K. LINDEMAN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER OF AFFIRMANCE

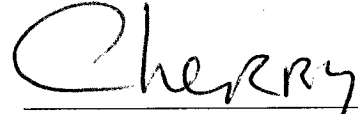
This is an appeal from a district court order dismissing a gaming action. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.


With the exception of her defamation, slander, and libel claims, we conclude that appellant Brenda K. Capps's claims address a patron dispute subject to the Gaming Control Board's exclusive jurisdiction.¹ See Sengel v. IGT, 116 Nev. 565, 568-69, 2 P.3d 258, 260 (2000). Regarding the defamation, slander, and libel claims, we conclude that NRS 463.3407(1)(c) applies and provides an absolute privilege that bars these claims. See Hampe v. Foote, 118 Nev. 405, 408-09, 47 P.3d 438, 440 (2002) (explaining that NRS 463.3407 provides a "broad" absolute privilege against civil litigation on certain communications in the gaming context), abrogated on other grounds by Buzz Stew, LLC v. City of N. Las

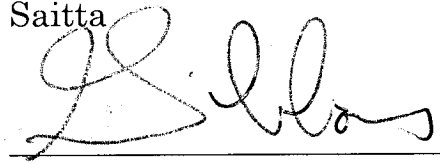
¹We reject Capps's argument that filing a claim with the Gaming Control Board would have necessarily been futile.

Vegas, 124 Nev. ___, 181 P.3d 670 (2008). Accordingly, as the district court properly dismissed Capps' complaint, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Mark R. Denton, District Judge
Carolyn Worrell, Settlement Judge
The Bach Law Firm
Brownstein Hyatt Farber Schreck, LLP
Eighth District Court Clerk

²Because the district court order denying Capps's motion for reconsideration was entered after the notice of appeal was filed, it is not properly a part of the record on appeal. See Arnold v. Kip, 123 Nev. 410, 416-17, 168 P.3d 1050, 1054 (2007). Thus, given that Capps acknowledges in her reply brief that her argument regarding the dismissal of her complaint as to Doe Defendant 1 was raised in the district court for the first time when seeking reconsideration, that argument is not properly before us on appeal and thus, we have not considered it. Id.