

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEVIN M. SALO, AN INDIVIDUAL,  
Appellant,  
vs.  
ANTHONY BORGIA, DPM,  
Respondent.

No. 50805

**FILED**

**JUL 24 2009**

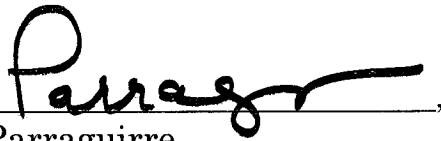
TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
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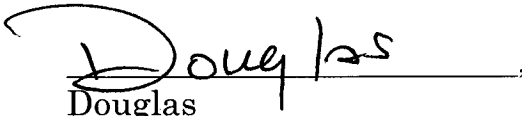
ORDER OF AFFIRMANCE

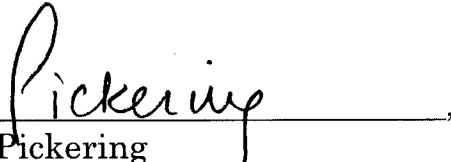
This is an appeal from a district court order dismissing appellant's medical malpractice complaint. Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

Appellant raises only one argument on appeal, that the district court erred in dismissing his claims because the requirement that a medical malpractice complaint include a medical affidavit does not apply to his action against a podiatrist. Appellant failed, however, to raise this argument in the district court. As a result, appellant has waived this argument and we will not consider it for the first time on appeal. Diamond Enters., Inc. v. Lau, 113 Nev. 1376, 1378, 951 P.2d 73, 74 (1997) (citing Montesano v. Donrey Media Group, 99 Nev. 644, 650 n.5, 668 P.2d 1081, 1085 n.5 (1983)); Dubray v. Coeur Rochester Inc., 112 Nev. 332, 337 n.2, 913 P.2d 1289, 1292 n.2 (1996); Old Aztec Mine, Inc. v. Brown, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

  
Parraguirre, J.

  
Douglas, J.

  
Pickering, J.

cc: Hon. Timothy C. Williams, District Judge  
M. Nelson Segel, Settlement Judge  
Dan Winder  
Mandelbaum, Schwarz, Ellerton & McBride  
Nall & Miller, LLP  
Eighth District Court Clerk

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<sup>1</sup>Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted in this appeal.