

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROLAND LILLY,  
Appellant,  
vs.  
DAWN E. PIAZZA,  
Respondent.

No. 51666

**FILED**

**DEC 04 2009**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

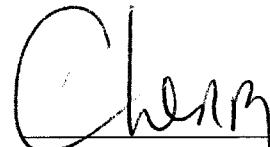
This is an appeal from a district court judgment entered on a jury verdict in a tort action conducted under the short trial program. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

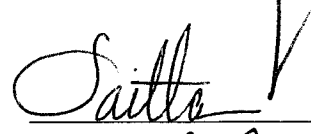
On appeal, appellant Roland Lilly argues that NRS 38.259(2)'s requirement that, when a party requests a trial de novo at the conclusion of mandatory nonbinding arbitration proceedings, the arbitrator's findings must be admitted during the new trial, violates his constitutional right to a jury trial. Lilly also argues that NRS 38.259(2) violates his right to equal protection under the law because the statute only applies to cases with an amount in controversy below a particular threshold and only applies in counties with population sizes above a particular threshold. See NRS 38.250; NRS 38.255.

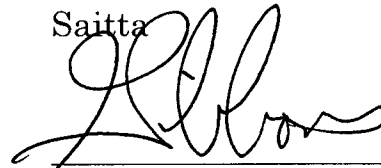
In our recent opinion in Zamora v. Price, 125 Nev. \_\_\_, \_\_\_, 213 P.3d 490, 494-96 (2009), we concluded that NRS 38.259(2) does not violate a litigant's right to a jury trial and that the amount in controversy threshold does not violate a litigant's right to equal protection under the law. Having considered Lilly's arguments regarding the alleged violation of his right to a jury trial and the alleged equal protection violation based

on the amount in controversy threshold in light of our decision in Zamora, we conclude that they lack merit. And with regard to Lilly's county population size equal protection clause argument, we conclude that the use of the population criterion here is rationally related to a legitimate purpose and does not create an odious or absurd distinction. County of Clark v. City of Las Vegas, 97 Nev. 260, 263-64, 628 P.2d 1120, 1122 (1981). Accordingly, finding Lilly's arguments to be without merit, we

ORDER the judgment of the district court AFFIRMED.

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

  
\_\_\_\_\_, J.  
Saitta

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

cc: Hon. Susan Johnson, District Judge  
William F. Buchanan, Settlement Judge  
Keith B. Gibson  
Robert E. Marshall  
Eighth District Court Clerk