

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAMONA GAYLE ALEXANDER,  
Appellant,  
vs.  
NORMA LETICIA BAKER,  
Respondent.

No. 51829

**FILED**

**DEC 04 2009**

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

ORDER OF AFFIRMANCE

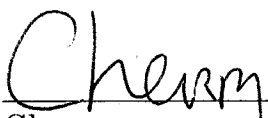
This is an appeal from a district court judgment entered on a jury verdict in a tort action. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

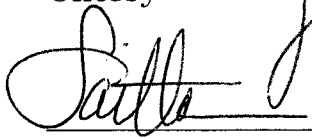
On appeal, appellant Ramona Gayle Alexander argues that NRS 38.259(2)'s requirement that, when a party requests a trial de novo at the conclusion of mandatory nonbinding arbitration proceedings, the arbitrator's findings must be admitted during the new trial, violates her constitutional right to a jury trial. Alexander also argues that NRS 38.259(2) violates her 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 Alexander's arguments regarding the alleged violation of her 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

Alexander'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 Alexander's arguments to be without merit, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Hon. Mark R. Denton, District Judge  
William F. Buchanan, Settlement Judge  
Ronald M. Pehr  
De Castroverde Law Group  
Eighth District Court Clerk