

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALWYN M. GREEN,
Appellant,

vs.

RANDOLPH GOLDBERG, AN
INDIVIDUAL; RANDOLPH H. GOLDBERG,
ESQUIRE, AN INDIVIDUAL; AND
RANDOLPH H. GOLDBERG, ESQ., A
PROFESSIONAL CORPORATION, A
NEVADA PROFESSIONAL
CORPORATION,
Respondents.

No. 51876

FILED

DEC 04 2009

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a short trial judgment in a legal malpractice action. Eighth Judicial District Court, Clark County; David Wall, Judge.

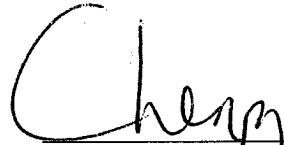

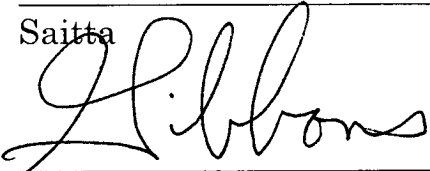
On appeal, appellant challenges the short trial judge's judgment (1) granting respondents' motion for involuntary dismissal at the close of evidence on appellant's negligence and fraud in the inducement claims, and (2) entering judgment against appellant on his remaining claim for misrepresentation or fraud and his request for

punitive damages.¹ Having considered appellant's civil proper person appeal statement, the response filed by respondents, appellant's reply, and the record on appeal, we affirm the short trial judgment. See Edwards Indus. v. DTE/BTE, Inc., 112 Nev. 1025, 1031, 923 P.2d 569, 573 (1996) (noting that this court will not disturb a trial court's factual determinations predicated upon conflicting evidence if the findings are supported by substantial evidence and are not clearly erroneous); Allyn v. McDonald, 112 Nev. 68, 71, 910 P.2d 263, 266 (1996) (indicating that expert witness testimony is generally required to establish the standard of care and an attorney's breach thereof in a legal malpractice action, unless the breach "is so obvious that it may be determined by the court as a matter of law or is within the ordinary knowledge and experience of laymen"); NRCP 52(c) (allowing judgment to be entered as a matter of law against a plaintiff at the close of the plaintiff's evidence if a claim "cannot under the controlling law be maintained or defeated without a favorable finding on that issue"); Bongiovi v. Sullivan, 122 Nev. 556, 581, 138 P.3d 433, 450-51 (2006) (noting that a plaintiff is not automatically entitled to punitive damages and such damages may only be awarded

¹Because appellant makes no arguments regarding the award of attorney fees and costs to respondent, we have not considered those awards. Edwards v. Emperor's Garden Rest., 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (refusing to consider claims that appellant failed to address with cogent argument or relevant authority).

when the plaintiff proves that the defendant has committed oppression, fraud, or malice by clear and convincing evidence).

It is so ORDERED.²

 _____, J.
Cherry
 _____, J.
Saitta
 _____, J.
Gibbons

cc: Hon. David Wall, District Judge
Alwyn M. Green
Frederick A. Santacroce
Eighth District Court Clerk

²Additionally, although the short trial judge improperly cited NRCP 41(b) and “NRS 41(b)” in granting respondents’ motion for involuntary dismissal, rather than NRCP 52(c), which provides for judgment on partial findings at the close of the plaintiff’s evidence, this error does not impact our resolution of this matter. See Sengel v. IGT, 116 Nev. 565, 570, 2 P.3d 258, 261 (2000) (affirming the district court’s decision that reached the right result, even though it applied a wrong standard).