

IN THE SUPREME COURT OF THE STATE OF NEVADA

HARRISTON LEE BASS, JR., M.D.,  
Appellant,  
vs.  
THE DOCTORS' COMPANY,  
Respondent.

No. 52313

**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 order dismissing appellant's complaint for failure to prosecute. Eighth Judicial District Court, Clark County; James A. Brennan, Senior Judge.

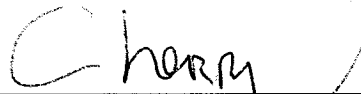
At a June 5, 2008, pre-trial hearing on respondent The Doctors' Company's motion for a status check on the trial date, appellant Harriston Lee Bass, Jr., M.D., orally moved for a continuance. The district court denied the motion and instructed the parties that they had a firm trial date at the end of the month. On the date set for trial, June 30, 2008, counsel for Dr. Bass informed the district court that he was not prepared for trial and again moved for a continuance. The district court denied the request and The Doctors' Company then orally requested that the case be dismissed for failure to prosecute. The district court subsequently entered orders granting the motion to dismiss and denying Dr. Bass's June 5 oral motion to continue the trial. Dr. Bass has appealed.

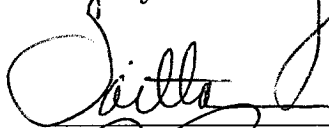
On appeal, Dr. Bass argues that the district court abused its discretion in denying his motion to continue the trial because The Doctors' Company had been granted two prior continuances over his


objection and, since these prior continuances, he had recently been incarcerated and was dealing with appellate issues related to this criminal conviction.

A motion for a continuance is addressed to the trial court's discretion. Benson v. Benson, 66 Nev. 94, 99, 204 P.2d 316, 318 (1949) (citing Neven v. Neven, 38 Nev. 541, 546, 148 P. 354, 356 (1918)). Having reviewed the parties' briefs and the record on appeal, including the transcript of the June 5 district court proceedings, we conclude that the district court did not abuse its discretion in denying Dr. Bass's motion for a continuance. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

cc: Chief Judge, Eighth Judicial District  
Hon. James A. Brennan, Senior Judge  
R. Paul Sorenson  
John H. Cotton & Associates, Ltd.  
Eighth District Court Clerk