

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLAIER P. FROMME, A/K/A CLAIRE
FROMME, AN INDIVIDUAL; AND
BALDWIN FRANK MEYERS-FINE,
A/K/A BALDWIN FRANK MYERS, AN
INDIVIDUAL,

Appellants,

vs.

PROVIDENT FUNDING ASSOCIATES,
LP, A CALIFORNIA LIMITED
PARTNERSHIP,
Respondent.

No. 53134

FILED

JUL 21 2010

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court summary judgment in a real property action. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

Having reviewed the appeal statement, response, reply, and record in this appeal, we determine that the district court did not err when it granted respondent summary judgment. See Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005) (noting that this court reviews a district court's summary judgment de novo). By failing to oppose respondent's summary judgment motion, appellants acknowledged the motion's merits, and correspondingly, failed to raise any genuine issue as to any material facts, entitling respondent to judgment as a matter of law. See EDCR 2.20(c) ("Failure of the opposing party to serve and file written opposition may be construed as an admission that the motion . . . is meritorious and a consent to granting the same."); Walls v. Brewster, 112 Nev. 175, 178, 912 P.2d 261, 263 (1996) (stating that it was proper for the district court to construe the failure to oppose a motion to dismiss as "an

admission that the motion was meritorious and as a consent to grant the motion”); cf. Old Aztec Mine, Inc. v. Brown, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (stating that “[a] point not urged in the [district] court . . . is deemed to have been waived and will not be considered on appeal”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Susan Johnson, District Judge
Claier P. Fromme
Baldwin Frank Meyers-Fine
Olson, Cannon, Gormley & Desruisseaux
Eighth District Court Clerk