

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN W. INMAN,
Appellant,

vs.

DAVID THAWLEY, AN INDIVIDUAL;
JOHN LILLEY, AN INDIVIDUAL;
NEVADA SYSTEM OF HIGHER
EDUCATION, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA; HUDSON GLIMP, AN
INDIVIDUAL; AND ESMAIL ZANJANI,
AN INDIVIDUAL,
Respondents.

No. 53141

FILED

MAR 10 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Ingessu*
DEPUTY CLERK

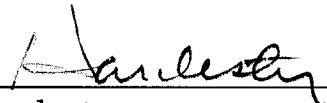
ORDER OF AFFIRMANCE

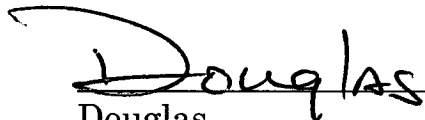
This is an appeal from a district court summary judgment in a tort action. Second Judicial District Court, Washoe County; Steven R. Kosach, Judge.

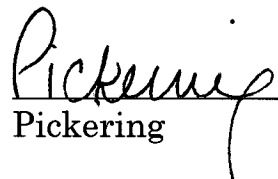
The district court granted summary judgment to respondents because it concluded that appellant's complaint was barred on three separate grounds: (1) Nevada's single cause of action rule, as set forth in Smith v. Hutchins, 93 Nev. 431, 566 P.2d 1136 (1977); (2) the doctrine of issue preclusion; and (3) the doctrine of claim preclusion. On appeal, appellant's opening brief only addresses the preclusion bases for summary judgment, and, as pointed out by respondents, fails to address the district court's independent basis for summary judgment, the single cause of action rule. In his reply brief, appellant summarily argues, without citation, that there is no single action rule in the federal system. He further argues that the single action rule is "really subsumed" within preclusion, relying on Weikel v. TCW Realty Fund II Holding Co., 65 Cal.

Rptr. 2d 35 (Ct. App. 1997). Because, however, appellant's argument regarding the applicability of the single action rule is based on the application of federal law, appellant's reliance on Weikel, a California state court decision holding that a second state court action was barred because it addressed the same primary right advanced in a prior state court action, is misplaced. Consequently, given that the district court concluded that the single action rule provided an independent reason to grant summary judgment and given appellant's failure to provide salient arguments supported by analysis of relevant authority, we necessarily affirm the summary judgment. Edwards v. Emperor's Garden Rest., 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Steven R. Kosach, District Judge
Jill I. Greiner, Settlement Judge
Jeffrey A. Dickerson
Charles Hilsabeck
Washoe District Court Clerk