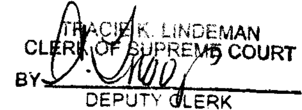
IN THE SUPREME COURT OF THE STATE OF NEVADA

JARED ROSE, Appellant, vs. WILLIAM P. WEIDNER; LYNN H. WEIDNER; ALEX WEIDNER; TOTAL SAFETY, INC., A NEVADA CORPORATION; FORESTARS, LTD., A NEVADA CORPORATION; QUEENSRIDGE, A NEVADA CORPORATION; AND QUEENSRIDGE OWNERS ASSOCIATION, A NEVADA CORPORATION, Respondents.	No. 53652



APR 3 0 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY [signature]
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from district court summary judgments in a tort action. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.[1]

Initially, respondents argue that this court lacks jurisdiction to consider the district court orders granting summary judgment to respondents Queensridge, Queensridge Owners Association, and Total Safety, Inc., because appellant's notice of appeal was untimely filed as to these summary judgment orders. Respondents' jurisdictional argument is incorrect. Appellant can only file a notice of appeal from a final judgment, NRAP 3A(b)(1), which we have defined as "one that disposes of all the issues presented in the case, and leaves nothing for the future

[1]Forestars, Ltd., was listed as a respondent in this appeal; however, the record shows that it was not served in this case. Therefore, Forestars, Ltd., is not a proper party in this appeal. See Rae v. All American Life & Cas. Co., 95 Nev. 920, 922, 605 P.2d 196, 197 (1979) (explaining that service of process on a defendant is necessary for that defendant to be considered a party).

10-11122

consideration of the court, except for post-judgment issues such as attorney's fees and costs." Lee v. GNLV Corp., 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). In the present case, the final judgment was the district court order granting summary judgment in favor of the Weidner respondents. Appellant timely filed his notice of appeal from this order, and therefore may challenge this order and any interlocutory orders in which he is the aggrieved party. See Consolidated Generator v. Cummins Engine, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998) (providing that "interlocutory orders entered prior to the final judgment may properly be heard by this court," if the appeal is from a final judgment). Therefore, all three summary judgment orders are properly before this court on appeal.

Having resolved respondents' jurisdictional argument, we address the three district court summary judgment orders. We summarily affirm the order granting summary judgment in favor of respondents Queensridge and Queensridge Owners Association. Appellant did not oppose this motion for summary judgment in district court and is precluded from challenging it for the first time on appeal. See Old Aztec Mine, Inc. v. Brown, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981).

We also affirm the district court's summary judgments in favor of the Weidner respondents and Total Safety, Inc. As to the Weidner respondents, there is no question of fact that appellant had left the party at the Weidners' residence approximately 30 minutes before the attack in which appellant claims he was injured and that appellant had an opportunity to safely exit the housing complex and avoid the attack, but failed to do so. Based on these circumstances, any duty that the Weidners owed to respondent ended and his conduct was an intervening cause that precludes holding the Weidners liable for his injuries. See Goodrich & Pennington v. J.R. Woolard, 120 Nev. 777, 784, 101 P.3d 792, 797 (2004)

(recognizing that a defendant's negligence is only a proximate cause of a plaintiff's injury if the negligence "in natural [foreseeable] and continuous sequence, unbroken by any efficient intervening cause" creates the injury) (internal quotation omitted).

In regard to Total Safety, Inc., a party does not have a duty to protect others from or control a third-party's dangerous conduct unless there is a special relationship and the criminal conduct is foreseeable. Sanchez v. Wal-Mart Stores, 125 Nev. ___, ___, 221 P.3d 1276, 1280-81 (2009). Appellant failed to raise any argument in the district court that Total Safety, Inc., had a special relationship with appellant such that a duty could be imposed on it for an alleged failure to intervene in the fight; therefore, appellant is precluded from raising this issue on appeal. See Old Aztec Mine, 97 Nev. at 52, 623 P.2d at 983. Thus, summary judgment was appropriate. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

_______________, J.
Hardesty

_______________, J.
Douglas

_______________, J.
Cherry

cc: Hon. Kathleen E. Delaney, District Judge
Jared Rose
Alverson Taylor Mortensen & Sanders
Bruce I. Flammey
Royal Jones Miles Dunkley & Wilson
Eighth District Court Clerk