

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT ST. JOHN A/K/A ROBERT
KLURE,
Appellant,
vs.
ROY MCMICHAEL; KELLER
WILLIAMS GROUP ONE; ALI RIVERA;
SHERI M. THOME; AND LEWIS
BRISBOIS BISGAARD & SMITH, LLP,
Respondents.

No. 54074

FILED

SEP 28 2010

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

ORDER OF AFFRIMANCE


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


Appellant filed the underlying district court action seeking sanctions and damages for, among other things, respondents' allegedly false statements made during the course of judicial proceedings in a separate district court case. The district court dismissed the underlying action on multiple grounds, including its conclusion that respondents' statements made in a judicial proceeding were privileged. On appeal, appellant contends that respondents "lied" to the district court about having a man, rather than a woman, serve the complaint and summons in his prior action. According to appellant, such allegedly untruthful statements are not entitled to any privilege.


As recognized by this court in Circus Circus Hotels v. Witherspoon, 99 Nev. 56, 60, 657 P.2d 101, 104 (1983), there is an absolute privilege for "communications uttered or published in the course of judicial proceedings . . . so long as they are in some way pertinent to the subject of controversy." Such statements are entitled to an absolute privilege even

when made with knowledge of their falsehood. Id. at 60-61, 657 P.2d at 104. “The policy underlying the privilege is that in certain situations the public interest in having people speak freely outweighs the risk that individuals will occasionally abuse the privilege by making false and malicious statements.” Id. Here, appellant’s complaint was based entirely on statements made in the course of a judicial proceeding, and thus, under Circus Circus, appellant’s complaint failed to state a claim for which relief could be granted, which mandates the dismissal of appellant’s complaint. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Steven R. Kosach, District Judge
Robert Klure
Robert St. John
Lewis Brisbois Bisgaard & Smith, LLP
Washoe District Court Clerk

¹Because appellant makes no arguments on appeal regarding the dismissal of his fiduciary duties claim, we need not consider that issue. 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).