

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELISA LOPEZ,
Appellant,
vs.
LUCAS CASTRO,
Respondent.

No. 54265

FILED

JAN 18 2011

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

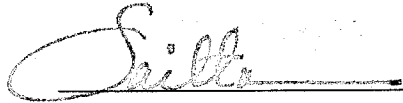
ORDER OF AFFIRMANCE

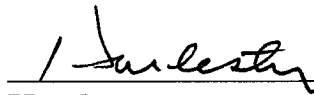
This is an appeal from a district court order striking a request for a trial de novo in a tort action. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

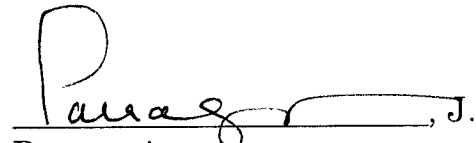
Having reviewed the appellate briefs and appendices, we affirm the district court's order, as we perceive no abuse of discretion in the district court's decision to strike the request for a trial de novo based on appellant's failure to prosecute her case and meaningfully participate in the arbitration proceedings. NAR 22(A) (explaining that failure to prosecute a case in good faith during arbitration constitutes a waiver of the right to a trial de novo); Casino Properties, Inc. v. Andrews, 112 Nev. 132, 135, 911 P.2d 1181, 1182 (1996) (equating "good faith" with meaningful participation in a manner that would not compromise the purposes of mandatory arbitration); Gittings v. Hartz, 116 Nev. 386, 391, 996 P.2d 898, 901 (2000) (explaining that when a district court strikes a

request for a trial de novo, this court reviews the decision for an abuse of discretion). Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Janet J. Berry, District Judge
David Wasick, Settlement Judge
Jorge G. Corral
Thorndal Armstrong Delk Balkenbush & Eisinger/Reno
Washoe District Court Clerk

¹Affirmance of the district court's order is also appropriate based on appellant's failure to provide, as part of her appendix, (1) her original complaint and respondent's answer to the first amended complaint; (2) respondent's motion to strike appellant's request for a trial de novo, appellant's opposition thereto, and respondent's reply to the opposition; (3) the district court's order granting the motion to strike, and its notice of entry; and (4) the notice of appeal. NRAP 30(b)(2); see Cuzze v. Univ. & Cmty. Coll. Sys. of Nev., 123 Nev. 598, 603-04, 172 P.3d 131, 135 (2007) (holding that appellant bears the responsibility to provide an adequate appellate record and, when appellant fails to provide necessary documentation, this court will presume that the missing documents support the district court's decision).