

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC J. TIESI,
Appellant,
vs.
FORD MOTOR CREDIT COMPANY,
Respondent.

No. 54565

FILED

JAN 11 2010

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

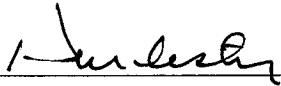
ORDER OF AFFIRMANCE


This is a proper person appeal from a district court summary judgment in a contract action. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.


Having reviewed the record and appellant's civil proper person appeal statement, we conclude that the district court did not err in concluding that no genuine issues of material fact existed and that respondent was entitled to judgment as a matter of law. Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). First, the prior action was voluntarily dismissed before a responsive pleading was filed and therefore did not have preclusive effect. NRCP 41(a)(1); Gallen v. District Court, 112 Nev. 209, 212, 911 P.2d 858, 860 (1996). Second, accepting appellant's representation that the last payment was made in March 2003, respondent had six years from that date, or March 2009, to file its complaint, which it did in October 2008; it was not required to obtain a final judgment by the end of the six-year limitations period. NRS 11.190(1)(b) (requiring "commence[ment]" of an action within the applicable time). Third, the contract provides for the joint and several liability of appellant and his ex-wife; accordingly, respondent was not required to join appellant's ex-wife as a defendant. NRCP 19(a) (requiring

joinder only when complete relief could not be afforded to the parties before the court without another party's participation). Finally, appellant does not contest the contract's existence, and his only challenge to respondent's statement of the amount owed is that he was not informed of the sale price after the vehicle was repossessed. But appellant did not provide any evidence disputing the amount in the affidavit of respondent's employee, submitted with respondent's summary judgment motion. See Wood, 121 Nev. at 732, 121 P.3d at 1031. Accordingly, as the district court did not err, we

ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Linda Marie Bell, District Judge
Eric J. Tiesi
Patenaude & Felix, APC
Eighth District Court Clerk

¹In light of this order, we deny as moot appellant's motion for a stay.