

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES CROSBY,
Appellant,
vs.
TOTAL CREDIT RECOVERY,
Respondent.

No. 54574

FILED

SEP 28 2010

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court judgment, entered after a short trial, in a contract action. Eighth Judicial District Court, Clark County; Dorothy J. Kyle, Judge Pro Tempore.

Respondent filed a complaint against appellant, seeking to recover damages for an unpaid credit account. After an arbitrator awarded an amount to respondent, appellant requested a trial de novo, which was referred to the short trial program. Appellant requested a continuance two weeks before the trial was set to begin. The short trial judge denied the request, finding that the matter had been in litigation for over two years and no extraordinary circumstances warranted continuing the trial. After respondent's summary judgment motion and appellant's motion to dismiss were denied, the matter proceeded to trial, and the short trial judge found in favor of respondent, awarding it \$24,453.61 for the original debt, accrued interest, attorney fees, and costs. Appellant appeals.

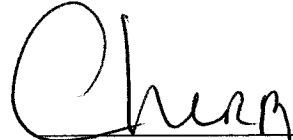
On appeal, appellant first argues that the court should not have denied his continuance, while allowing respondent's counsel to arrive for the trial 40 minutes late. Although appellant asserts that the continuance would have allowed him the opportunity to obtain counsel, the complaint was filed in November 2007, and trial did not commence until August 2009, during which time appellant did not retain counsel. Thus, we perceive no abuse of discretion in the court's decision to deny the continuance. See Southern Pac. Transp. Co. v. Fitzgerald, 94 Nev. 241, 243, 577 P.2d 1234, 1235 (1978).


Next, appellant argues that the short trial court erred by rejecting his defenses to the complaint, asserting that "per NRS and FDCPA¹ all Defenses are Claims for relief and are never waived." He asserts that the short trial judge ignored the FDCPA and Nevada statutes and that respondent never produced evidence stating its "rights and remedies." Finally, he argues that respondent failed to verify that the amount claimed rightfully belongs to it. The judgment here is supported by substantial evidence, including billing statements and appellant's admission that he made charges on the credit account. Because the record

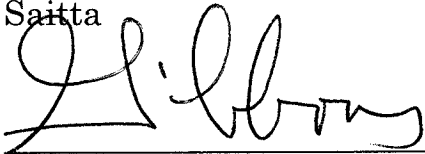
¹FDCPA stands for Fair Debt Collection Practices Act and is aimed at preventing abusive debt collection practices and provides a cause of action for victims of such practices. See 15 U.S.C. § 1692(e) (2006) (stating the FDCPA's remedial purpose); 15 U.S.C. § 1692k (2006) (making violators of the FDCPA's provisions liable for damages); see also NRS 649.370 (providing that a violation of the FDCPA is a violation of NRS Chapter 649). Appellant did not sue respondent under the FDCPA or NRS Chapter 649, or bring any counterclaims against respondent under those laws.

does not support appellant's assertion that the short trial judge ignored the law in rendering judgment in respondent's favor, we

ORDER the judgment of the district court AFFIRMED.²


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Dorothy J. Kyle, Judge Pro Tem.
James Crosby
Bourassa Law Group, LLC
Eighth District Court Clerk

²We deny respondent's request to impose NRAP 38 sanctions against appellant.