

IN THE SUPREME COURT OF THE STATE OF NEVADA

RON VON FELDEN,  
Appellant,  
vs.  
BRUCE I. SHAPIRO,  
Respondent.

No. 54627

**FILED**

SEP 28 2010

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

ORDER OF AFFIRMANCE AND  
DENYING IMPOSITION OF SANCTIONS

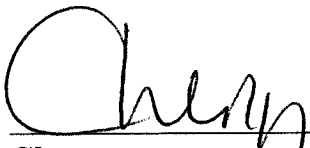

This is an appeal from a district court order granting a motion to dismiss a tort action. Eighth Judicial District Court, Clark County; Jackie Glass, Judge.

We review an order granting a motion to dismiss rigorously; dismissal of a complaint is proper "if it appears beyond a doubt that [appellant] could prove no set of facts, which, if true, would entitle [appellant] to relief." Buzz Stew, LLC v. City of N. Las Vegas, 124 Nev. 224, 228, 181 P.3d 670, 672 (2008). Having reviewed the briefs and appendices on appeal, we affirm the district court's order granting the motion to dismiss, as appellant failed to establish that he was entitled to relief based on his alleged causes of action under any set of facts. Id. Appellant did not establish that respondent owed him a duty to support his negligence and negligence per se claims, that respondent made a fraudulent transfer, that a cause of action for a fraudulent transfer is recognized against an attorney that represents a party in a lawsuit that is an adversary to a debtor, or plead a conspiracy claim. Id.; NRS 112.140-112.250; Sanchez v. Wal-Mart Stores, 125 Nev. \_\_\_, \_\_\_, 221 P.3d 1276, 1280 (2009). Accordingly, the district court properly dismissed appellant's complaint.

Appellant also challenges the award of attorney fees under NRS 18.010(2)(b). We conclude that the district court did not abuse its discretion in determining that appellant's complaint was brought without reasonable ground and awarding attorney fees. Edwards v. Emperor's Garden Rest., 122 Nev. 317, 330, 130 P .3d 1280, 1288 (2006).

Finally, respondent seeks sanctions against appellant based on his inadequate appendix. We deny this request.

It is so ORDERED.

  
\_\_\_\_\_, J.  
Cherry  
  
\_\_\_\_\_, J.  
Gibbons

SAITTA, J., concurring in part and dissenting in part:

I concur with the affirmance of the district court orders dismissing appellant's complaint and awarding attorney fees. I dissent in the denial of sanctions on appeal. Respondent sought sanctions based on appellant's inadequate appendix, which only contained appellant's complaint. Appellant's appendix was exceedingly inadequate and in violation of appellant's duties under NRAP 30. I would therefore impose sanctions under NRAP 30(g)(2).

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Jackie Glass, District Judge  
Robert F. Saint-Aubin, Settlement Judge  
Ronald J. Von Felden  
Pecos Law Group  
Santoro, Driggs, Walch, Kearney, Holley & Thompson  
Eighth District Court Clerk