

IN THE SUPREME COURT OF THE STATE OF NEVADA

KELLY SHECKLER,
Appellant,
vs.
CHAISSON JRJ INVESTMENTS, LLC
D/B/A DESERT BMW,
Respondent.

No. 54921

FILED

JUL 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 dismissal in a tort action. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

The district court dismissed appellant's products liability action because she failed to oppose respondent's motion to dismiss. Appellant moved for reconsideration, and the district court granted her motion, set aside the dismissal, and directed appellant to file an opposition to the motion to dismiss. When appellant again failed to oppose the motion, the district court dismissed the action a second time.


On appeal, appellant has not argued that the district court abused its discretion by dismissing the case with prejudice based on appellant's failure to oppose the motion to dismiss, see Edwards v. Emperor's Garden Rest., 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that this court need not address arguments not cogently argued or supported by authority), and we conclude that the district court did not abuse its discretion by doing so. See Las Vegas Fetish & Fantasy v. Ahern Rentals, 124 Nev. 272, 277-78, 182 P.3d 764, 768 (2008) (reviewing for an abuse of discretion the district court's decision to

construe appellant's failure to oppose a motion for attorney fees as an admission that the motion was meritorious); see also Walls v. Brewster, 112 Nev. 175, 178-79, 912 P.2d 261, 263 (1996) (concluding that the district court did not abuse its discretion by dismissing appellant's action with prejudice where appellant failed to oppose a motion to dismiss despite being granted extensions of time to file an opposition). As appellant's remaining arguments regarding the merits of the motion to dismiss were not before the district court, we decline to review them on appeal. See Mason v. Cuisenaire, 122 Nev. 43, 48, 128 P.3d 446, 449 (2006) (explaining that a party may not raise an argument on appeal that was not raised in the district court).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Douglas


_____, J.
Saitta


_____, J.
Hardesty

cc: Hon. Michael Villani, District Judge
Dana Jonathon Nitz, Settlement Judge
Gazda & Tadayon
Jolley Urga Wirth Woodbury & Standish
Eighth District Court Clerk