

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHELLE ADAMS,
Appellant,
vs.
ALLSTATE INSURANCE COMPANY;
BETHEA HARRELL; AND SHEREE
NOCK,
Respondents.

No. 54981

FILED

DEC 09 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 order striking appellant's request for a trial de novo and entering judgment on an arbitration award in a personal injury action. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

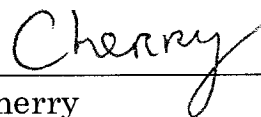
Appellant's personal injury action against respondents was subject to mandatory arbitration proceedings. After the arbitrator concluded that appellant had established liability but had failed to present competent evidence in support of her claim for damages, the district court struck appellant's request for a trial de novo on the ground that she had failed to meaningfully participate in the arbitration proceedings. This appeal followed.

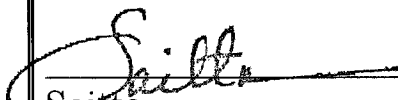
Appellant argues that the district court's order, drafted by defense counsel, contains findings of fact that were not addressed at the hearing on the motion to strike appellant's request for a trial de novo. The findings of fact are supported by documents in the district court record, however, and thus, they do not provide a basis for reversal on appeal. Campbell v. Maestro, 116 Nev. 380, 383, 996 P.2d 412, 414 (2000) (holding that the district court's findings of fact will not be disturbed on appeal


unless they are clearly erroneous and unsupported by substantial evidence). Moreover, given that appellant failed to present evidence in the arbitration proceedings to establish that she was injured in the accident, the district court did not abuse its discretion by striking appellant's request for a trial de novo on the basis that appellant had failed to meaningfully participate in the arbitration proceedings. See NAR 22(A) (providing that a party's failure to prosecute a case in good faith in the arbitration proceedings constitutes a waiver of the right to a trial de novo); Casino Properties, Inc. v. Andrews, 112 Nev. 132, 135-36, 911 P.2d 1181, 1182-83 (1996) (equating "good faith" with "meaningful participation" and concluding that the district court did not abuse its discretion by refusing to grant a trial de novo on the basis that appellant had not meaningfully participated in arbitration proceedings because appellant failed to timely provide material information to respondents); Clark Cty. Sch. Dist. v. Richardson Constr., 123 Nev. 382, 397, 168 P.3d 87, 97 (2007) (explaining that the plaintiff in a civil action has the burden of proving damages).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
Michelle Adams
Gentile Law Group
Eighth District Court Clerk