

IN THE SUPREME COURT OF THE STATE OF NEVADA

ARKENI J. TURNER, AN INDIVIDUAL,
Appellant,

vs.

DREW D. RICHARDS, D.D.S., AN
INDIVIDUAL; AND ALOHA DENTAL,
Respondents.

No. 55311

FILED

NOV 10 2010

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a judgment on a jury verdict in a dental malpractice action. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

On appeal, appellant argues that the district court abused its discretion by prohibiting her from presenting evidence of a stipulation entered into by respondent Dr. Drew Richards in settlement of appellant's claims against him before the Nevada Dental Board. Because the stipulation was based on a lower standard of proof than that required in the district court and expressly stated that Dr. Richards entered into it for the purpose of the stipulation alone, and not for any subsequent civil action, the district court did not abuse its discretion by excluding the stipulation from evidence at trial. See Hansen v. Universal Health Servs., 115 Nev. 24, 27, 974 P.2d 1158, 1160 (1999) (explaining that "this court will not overturn the district court's exclusion of relevant evidence absent an abuse of discretion").

Appellant also argues that the district court abused its discretion by prohibiting her from presenting documents to support her lost wages claim. The record establishes that prior to trial, appellant conceded that she had not provided any contracts in response to discovery

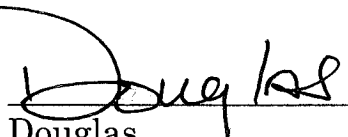
requests because she intended to prove her lost wages claim through testimonial evidence. Thus, the district court did not abuse its discretion by excluding documentary evidence that was not provided to respondents during discovery. See NRCP 37(c)(1) (stating that a party who fails to disclose required discovery information will not be permitted to use the undisclosed evidence at trial).

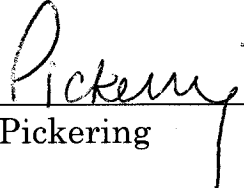
The remainder of appellant's arguments relate to issues that arose in jury selection and at trial or that should have been raised at trial. Because appellant has not provided this court with the trial transcripts on appeal, we presume that the trial proceedings support the district court's decisions in these matters. Cuzze v. Univ. & Cmty. Coll. Sys. of Nev., 123 Nev. 598, 603, 172 P.3d 131, 135 (2007).

Because we discern no abuse of discretion, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Stefany Miley, District Judge
Arkeni J. Turner
Hall Prangle & Schoonveld, LLC/Las Vegas
Eighth District Court Clerk