

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARK DANIEL FIDDLER,
Appellant,
vs.
JOSH STAGLIANO AND HEATHER
STAGLIANO,
Respondents.

No. 55382

FILED

JUL 20 2010

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

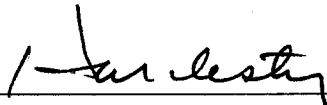
ORDER OF AFFIRMANCE

This is a proper person appeal from a district court default judgment in a tort action. First Judicial District Court, Carson City; James E. Wilson, Judge.


Appellant Mark Daniel Fiddler challenges the January 4, 2010, default judgment entered against him. Although appellant claims that he prepared a responsive pleading and requested to appear either via videoconference, telephonically, or in person at the hearing, nothing in the record supports these contentions or otherwise indicates that any documents related to these contentions were struck by the district court. It is appellant's duty to ensure that an adequate trial court record is prepared, see Carson Ready Mix v. First Nat'l Bk., 97 Nev. 474, 476, 635 P.2d 276, 277 (1981), and we presume that items not contained in the record on appeal support the district court's conclusions. Cuzze v. Univ. & Cmty. Coll. Sys. of Nev., 123 Nev. 598, 603, 172 P.3d 131, 135 (2007). Accordingly, as nothing in the record supports appellant's assertions that he took any steps to respond to the action against him before default

judgment was entered against him, we necessarily affirm the default judgment. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. James E. Wilson, District Judge
Mark Daniel Fiddler
Michael E. Langton
Carson City Clerk

¹As the transcript of the district court's only hearing in the underlying case was included in the record on appeal, we deny appellant's request for transcripts. We further deny all other requests for relief in appellant's civil proper person appeal statement. Finally, we note that with regard to the postdefault judgment rulings discussed in appellant's civil proper person appeal statement, to the extent that any such rulings may have been memorialized in an appealable order, appellant has never filed a notice of appeal from those orders, and thus, jurisdiction to consider any such orders has not been properly vested in this court. See NRAP 3(c)(1)(B) (providing that the notice of appeal must "designate the judgment, order, or part thereof being appealed"); Rust v. Clark Cty. School District, 103 Nev. 686, 747 P.2d 1380 (1987) (noting that the proper and timely filing of a notice of appeal is jurisdictional).