

IN THE SUPREME COURT OF THE STATE OF NEVADA

PERCY LAVAE BACON,
Appellant,
vs.
RICK GEISSINGER; MERIT LIFE
INSURANCE COMPANY; AND
AMERICAN GENERAL FINANCIAL
SERVICES, INC.,
Respondents.

No. 56375

FILED

FEB 10 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *R. Malore*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing an insurance contract action. Eighth Judicial District Court, Clark County; Doug Smith, Judge.

The district court dismissed appellant's complaint as barred by the statute of limitations. Although appellant contends that he did not discover his claim until 2009, when he received a payment of insurance benefits, the factual basis of his claim relates to the initial denial of those benefits, which he was aware occurred in 2001. Thus, the district court correctly determined that the allegations, as set forth in the complaint, were not sufficient to establish a claim for relief, as the claim accrued when benefits were denied in 2001, and under either Nevada or California law, the statute of limitations had expired when appellant filed his complaint in 2009. See NRS 11.190(1)(b) (providing a six-year limitation period for contract actions); Cal. Civ. Proc. Code § 337 (West 2007) (requiring contract actions in California to be brought within four years from the date of accrual); see also Bemis v. Estate of Bemis, 114 Nev. 1021, 1024, 967 P.2d 437, 439-40 (1998) (explaining that this court reviews dismissal of a complaint as barred by the statute of limitations to

determine whether the pleading set forth sufficient allegations to establish the elements of a right to relief).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹

Cherry, J.
Cherry

Pickering, J.
Pickering

Hardesty, J.
Hardesty

cc: Hon. Doug Smith, District Judge
Percy Lavae Bacon
Fennemore Craig, P.C./Las Vegas
Eighth District Court Clerk

¹We deny as moot appellant's October 19, 2011, motion to expedite the assignment of a panel.