

IN THE SUPREME COURT OF THE STATE OF NEVADA

REYNA GUERRERO,
Appellant,
vs.
GERALDIN PINEDA-SANCHEZ; AND
MARIA SANCHEZ,
Respondents.

No. 57742

FILED

NOV 16 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Indersoll*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court judgment on a short trial jury verdict in a tort action. Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

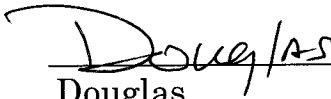
Appellant argues that reversal and remand for a new trial is warranted on the ground that jurors disregarded an instruction admonishing them not to speculate as to whether appellant's damages were covered by insurance. NRCP 59(a)(5) (providing for a new trial when there has been "[m]anifest disregard by the jury of the instructions of the court").

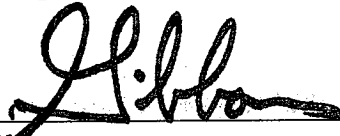
Appellant did not raise this issue to either the short trial judge or the district court judge. NSTR 3(d) (requiring a short trial judge to provide the parties with written notice of the proposed judgment and allowing a district court judge to approve or reject a proposed judgment after considering any objections to the proposed judgment). Consequently, appellant is precluded from raising the issue for the first time on appeal. Valley Health System v. Dist. Ct., 127 Nev. ___, ___, 252 P.3d 676, 679 (2011) ("[A] point not urged in the trial court . . . is deemed to have been

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waived and will not be considered on appeal.” (quoting Old Aztec Mine, Inc. v. Brown, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981))). Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹

 _____, J.
Douglas

 _____, J.
Gibbons

 _____, J.
Parraguirre

cc: Hon. James M. Bixler, District Judge
Carolyn Worrell, Settlement Judge
Gazda & Tadayon
Atkin Winner & Sherrod
Eighth District Court Clerk

¹When no trial transcript exists, NRAP 9(c) provides the appropriate procedure for generating an accurate record of what took place at trial. Appellant’s failure to follow this procedure leaves us without a record on appeal that supports appellant’s contentions. See Carson Ready Mix v. First Nat’l Bk., 97 Nev. 474, 476, 635 P.2d 276, 277 (1981) (pointing out that in resolving an appeal, this court does not consider matters not properly appearing in the district court record). Thus, even if we were to consider appellant’s argument for the first time on appeal, we would be incapable of adequately doing so. Zugel v. Miller, 99 Nev. 100, 101, 659 P.2d 296, 297 (1983) (“This court is not a fact-finding tribunal.”).