

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHERYL MUSSO,  
Appellant,  
vs.  
ROSA ORTIS; AND PEDRO UBEDA,  
Respondents.

No. 58104

**FILED**

JUN 14 2013

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

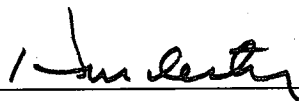
This is an appeal from a district court summary judgment in a tort action. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

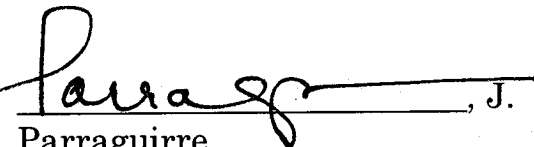
Appellant filed a complaint against respondents alleging tort claims arising from a car accident. Respondents filed a motion for summary judgment, and appellant admits that she failed to timely oppose the motion, filing her opposition just two days before the scheduled hearing on the motion and after the district court ruled on the motion in chambers, having received no timely opposition. The district court granted summary judgment in favor of respondents, and this appeal followed.

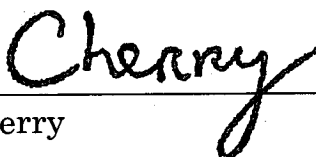
Having considered the parties' briefs and appendices, we conclude that the district court did not abuse its discretion by granting summary judgment based on appellant's failure to timely oppose the motion for summary judgment before the district court ruled on the motion. EDCR 2.20(e) (providing that an opposition to a motion must be filed within ten days after service of the motion and that the district court may construe a party's failure to oppose a motion as an admission that the

motion is meritorious and consent to granting the motion); *Las Vegas Fetish & Fantasy Halloween Ball, Inc. v. Ahern Rentals, Inc.*, 124 Nev. 272, 278 n.15, 182 P.3d 764, 768, n.15 (2008) (stating that the district court did not abuse its discretion in applying then EDCR 2.20(b) (now EDCR 2.20(e)) to an opposition that was eventually filed, but was untimely). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Parraguirre

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Elissa F. Cadish, District Judge  
Eva Garcia-Mendoza, Settlement Judge  
Herbert Sachs  
Ranalli & Zaniel, LLC/Henderson  
Eighth District Court Clerk