

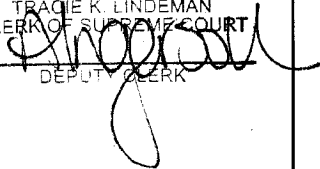
IN THE SUPREME COURT OF THE STATE OF NEVADA

RYAN MCCLAREN,
Appellant,
vs.
RYAN A. MAXEY,
Respondent.

No. 60548

FILED

NOV 14 2013

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order dismissing a tort action. Eighth Judicial District Court, Clark County; Douglas Smith, Judge.

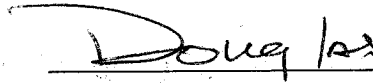
On appeal, appellant argues that the district court abused its discretion by denying his motion to extend the service period and by dismissing his complaint, even though he had demonstrated good cause for failing to timely move for an extension based on his counsel's illness and his counsel's father's death. We, like the district court, are not unsympathetic to the difficulty of these circumstances. Nevertheless, based on our review of the parties' arguments and the appendix before us, we conclude that the district court did not abuse its discretion by denying the motion for an extension of time and dismissing the action. In particular, the circumstances presented did not establish good cause for appellant's failure to file a motion to extend the service period for more than nine months after that period had expired. See NRCP 4(i) (mandating that an action be dismissed if the summons and complaint are not served within 120 days after the complaint is filed and good cause is

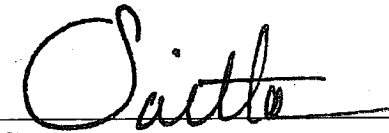
not demonstrated for the failure to do so); *Saavedra-Sandoval v. Wal-Mart Stores, Inc.*, 126 Nev. ___, ___, 245 P.3d 1198, 1200 (2010) (explaining that this court reviews a district court order granting a motion to dismiss for failure to timely serve process for an abuse of discretion).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Gibbons


_____, J.
Douglas


_____, J.
Saitta

cc: Hon. Douglas Smith, District Judge
M. Nelson Segel, Settlement Judge
Demetrios A. Dalacas
Laxalt & Nomura, Ltd./Las Vegas
Eighth District Court Clerk