

IN THE SUPREME COURT OF THE STATE OF NEVADA

CONSITA B. BROOKS,  
Appellant,  
vs.  
MARSHA A. CARNEY,  
Respondent.

No. 61013

**FILED**

**MAR 15 2013**

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order entered on a jury verdict in a negligence action. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.


Appellant filed a complaint for negligence against respondent after respondent allegedly injured appellant in a traffic accident. Although the jury found in favor of appellant, and against respondent, it did not award appellant any damages. On appeal, appellant appears to challenge the district court's dismissal of one of the jurors after alleged contact with defense counsel, the inclusion and exclusion of certain jury instructions, the redaction of exhibits, and the district court's limitation on the evidence presented.

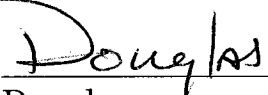
Having reviewed the proper person appeal statement and the record on appeal, we conclude that appellant has not shown that the district court abused its discretion as to any of the challenged rulings. "[T]he trial court is vested with broad discretion in determining the admissibility of evidence." Sheehan & Sheehan v. Nelson Malley & Co., 121 Nev. 481, 492, 117 P.3d 219, 226 (2005) (quoting State ex rel. Dep't Hwys. v. Nev. Aggregates, 92 Nev. 370, 376, 551 P.2d 1095, 1098 (1976)). This court "review[s] a district court's decision to admit or exclude

evidence for abuse of discretion, and . . . will not interfere with the district court's exercise of its discretion absent a showing of palpable abuse." M.C. Multi-Family Dev. v. Crestdale Assocs., 124 Nev. 901, 913, 193 P.3d 536, 544 (2008). The record on appeal does not support appellant's contention that the district court abused its discretion in requiring certain exhibits to be redacted or in limiting the evidence to be presented or the testimony of appellant's treating physicians. Further, the record on appeal does not show that appellant properly objected to any of the instructions given to the jury or that she filed written requests that the district court include certain instructions, and appellant has not indicated in her appeal statement which of the instructions she objects to or what instructions she sought that were denied. NRCP 51; Old Aztec Mine, Inc. v. Brown, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (recognizing that arguments not presented to the district court are considered waived on appeal). As to appellant's arguments regarding any improper contact between respondent's counsel and a juror, the record on appeal shows that the juror at issue was dismissed and replaced by the alternate juror.

Accordingly, as we perceive no abuse of discretion by the district court, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Saitta

cc: Hon. Kenneth C. Cory, District Judge  
Consita B. Brooks  
Samuel B. Benham  
Eighth District Court Clerk