IN THE SUPREME COURT OF THE STATE OF NEVADA

DALTON WILSON,
Appellant,
vs.
ATLAS TOWING, INC.; NICKY Q. AYERS; LLOYD W. AYERS; HY FORGERON; SADIE SULLIVAN; SUE TILLER; BRIAN GARNER; IDONNA TREVINO; RON UNGER; AND LANDER COUNTY,
Respondents.

No. 61197

FILED

FEB 27 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER AFFIRMING IN PART, REVERSING IN PART AND REMANDING

This is a pro se appeal from district court orders declining to change venue and dismissing appellant's complaint in a tort action. Appellant also challenges several other orders in the context of this appeal. Sixth Judicial District Court, Lander County; Michael Montero, Judge.

Appellant Dalton Wilson sued respondents Atlas Towing, Inc., Nicky Q. Ayers, and Lloyd W. Ayres (collectively, Atlas Towing) for conversion, tortious interference, conspiracy, negligence, assault, and intentional infliction of emotional distress stemming from Atlas Towing's alleged improper removal of personal property from certain real property. Atlas Towing argued that the United States Bureau of Land Management (BLM) previously had obtained a civil judgment against appellant in federal district court declaring that the real property in question was owned by the BLM and that appellant's personal property thereon had been deemed abandoned. Atlas Towing asserted that the BLM had retained Atlas Towing to remove the abandoned property, and it thus

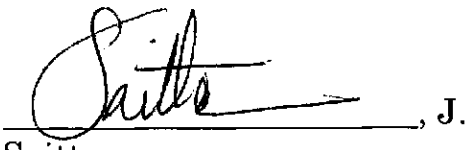
moved to dismiss appellant's complaint under NRCP 19 because the BLM was a necessary and indispensable party. While that motion was pending, appellant moved for leave to amend his complaint to add respondents Hy Forgeron, Sadie Sullivan, Sue Tiller, Brian Garner, Idonna Trevino, Ron Unger, and Lander County (the county respondents) as defendants. The district court denied appellant's attempt to amend his complaint, quashed service upon the county respondents, and granted Atlas Towing's motion to dismiss the complaint, finding that the BLM was a necessary and indispensable party.

On appeal, appellant argues that he should be permitted to amend his complaint to add the county respondents as defendants. While appellant is a pro se litigant, he is nevertheless required to comply with a court's procedural rules and to state at least some colorable claim against the defendants in his complaint. *Jordan v. State ex rel. Dep't of Motor Vehicles & Pub. Safety*, 121 Nev. 44, 56-58, 110 P.3d 30, 40-41 (2005), *abrogated on other grounds by Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 181 P.3d 670 (2008). Having reviewed appellant's proposed amended complaint, we conclude that the district court did not abuse its discretion when it denied appellant permission to amend his complaint and quashed service on the county defendants. *Abreu v. Gilmer*, 115 Nev. 308, 312-13, 985 P.2d 746, 749 (1999). We therefore affirm the district court order quashing service and dismissing the county defendants.

Appellant also challenges the district court's finding that the BLM is a necessary party because the district court must necessarily find that appellant is the owner of the disputed property in order to give relief to appellant, while the federal courts have already adjudicated the BLM to be the owner of the property. To the extent that the BLM might be

considered a co-tortfeasor of Atlas Towing, a co-tortfeasor is not a necessary party. *Humphries v. Eighth Judicial Dist. Court*, 129 Nev. ___, ___, 312 P.3d 484, 487-88 (2013). Appellant therefore is correct that the BLM is not a necessary party.[1] *See id.* Accordingly, we

ORDER the judgment of the district court AFFIRMED IN PART AND REVERSED IN PART AND REMAND this matter to the district court for proceedings consistent with this order.[2]



_____, J.
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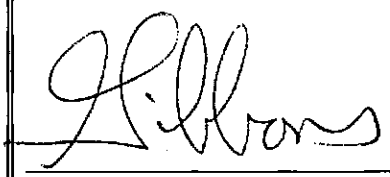
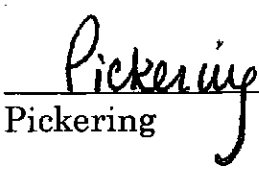


_____, J.
Gibbons



_____, J.
Pickering

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[1]Atlas Towing may prevent itself from being subject to inconsistent obligations though an appropriate motion. *See Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 1055, 194 P.3d 709, 713 (2008) (addressing issue preclusion). Moreover, appellant's property ownership is irrelevant to certain of appellant's causes of action, such as assault and intentional infliction of emotional distress.

[2]We have considered appellant's venue and default arguments on appeal, conclude that those arguments are without merit, and affirm the district court orders setting aside default and denying a venue change.

We express no opinion regarding the merits of appellant's case and merely hold that dismissal under NRCP 19 was not proper because the BLM is not a necessary party.

cc: Hon. Michael Montero, District Judge
Dalton Wilson
Hy Forgeron
Erickson Thorpe & Swainston, Ltd.
Lander County District Attorney
Lander County Clerk