

IN THE SUPREME COURT OF THE STATE OF NEVADA

PAUL CHRISTOPHER, IN PROPER
PERSON; AND PALMER
CHRISTOPHER, IN PROPER PERSON,
Appellants,

vs.

PEEL & BRIMLEY, LLP, A NEVADA
LIMITED LIABILITY PARTNERSHIP;
RICHARD L. PEEL; JON M. LUDWIG;
AND MICHAEL J. DAVIDSON,
Respondents.

No. 62769

FILED

OCT 01 2013

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

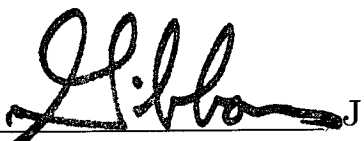
ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing appellants' complaint in a tort action. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

Respondents are the law firm of Peel & Brimley, LLP and attorneys who are current or former partners or employees of that firm. Appellants Paul and Palmer Christopher sued respondents for deceptive trade practices, negligence per se, and nuisance for prosecuting against them a mechanics' lien asserted by Peel & Brimley's client, Ditch Diggers, LLC. The mechanics' lien was the subject of litigation in *Christopher v. Byrd Underground, LLC*, Docket No. 57322, wherein this court affirmed the validity of the mechanics' lien.

In this case, appellants' causes of action fail to state a claim. *In re Amerco Derivative Litig.*, 127 Nev. ___, ___, 252 P.3d 681, 692 (2011) (holding that a motion to dismiss is reviewed de novo, and to survive dismissal, a complaint must state some set of facts entitling the plaintiff to relief). Appellants' deceptive trade practices claims fail because prosecuting a mechanics' lien is not a deceptive trade practice, nor does

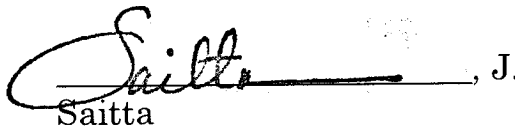
litigation create a consumer or business relationship with the opposing attorney. See NRS 598.0903 *et seq.* Appellants' negligence per se claims fail because an attorney does not have a duty stemming from his client's violation of contractor disciplinary statutes. See NRS 624.301 *et seq.* Likewise, appellants' nuisance claims fail because an attorney prosecuting a valid mechanics' lien is not a nuisance. See *Sowers v. Forest Hills Subdivision*, 129 Nev. ___, ___, 294 P.3d 427, 432 (2013). Accordingly, we ORDER the judgment of the district court AFFIRMED.¹



Gibbons



Douglas



Saitta

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Palmer Christopher
Paul Christopher
Gordon & Rees, LLP
Peel Brimley LLP/Henderson
Eighth District Court Clerk

¹We have considered appellants' other arguments on appeal and conclude that they lack merit. Respondents' motion to dismiss this appeal is denied.