

IN THE SUPREME COURT OF THE STATE OF NEVADA

KENNETH DINKINS; AND TINA  
JACKSON,  
Appellants,  
vs.  
SHU-CHEN LEE; AND JYHFANG  
JEHNG,  
Respondents.

No. 62808

**FILED**

JUL 23 2014

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

*ORDER OF AFFIRMANCE*

This is a proper person appeal from a district court judgment entered after a bench trial in a contract and tort action. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

After moving into a rental property owned by respondents, appellants discovered that numerous repairs were required and brought the issues to respondents' attention. Respondents subsequently attempted to address these issues by sending various service persons to the property to perform the required repairs. Nonetheless, appellants later sued respondents for negligence, misrepresentation, and breach of contract, alleging that respondents made misrepresentations regarding the property that induced appellants to rent it, failed to make the needed repairs, and repeatedly interrupted appellants' enjoyment of the property with service calls. Additionally, appellants argued that the ongoing repair activity caused their daughter's home-schooling to suffer and led to lost income by Dinkins, who was self-employed.

After a bench trial, the district court found in favor of respondents, determining that there was no actionable negligence,

misrepresentation, or breach of contract, and that appellants had not proven their damages. This appeal followed.

As an initial matter, appellants argue that the district court's refusal to sanction respondents for not appearing at a calendar call, refusal to admit certain evidence, and allowing respondents to supply certain trial exhibits and use an interpreter were an abuse of discretion. Appellants, however, did not request transcripts from either the trial or any relevant hearings related to these issues, and nothing in the trial court record provides any indication as to the grounds on which the district court made these determinations. Absent these transcripts, we must assume that they support the district court's decisions such that we cannot conclude that any abuse of discretion occurred in its resolutions of these issues. *Cuzze v. Univ. & Cmty. Coll. Sys.*, 123 Nev. 598, 604, 172 P.3d 131, 135 (2007); *see also M.C. Multi-Family Dev., L.L.C. v. Crestdale Assocs., Ltd.*, 124 Nev. 901, 913, 193 P.3d 536, 544 (2008) (indicating that the district court's evidentiary decisions will not be disturbed on appeal absent an abuse of discretion).

Appellants further assert that, with regard to the merits of their claims, the evidence they provided proved their causes of action and damages so that the judgment against them was improper. But based on our review of the documents before us on appeal, we conclude that the district court's findings are supported by substantial evidence and are not clearly erroneous, *Weddell v. H2O, Inc.*, 128 Nev. \_\_\_, \_\_\_, 271 P.3d 743, 748 (2012) (noting that factual determinations will be upheld when they are not clearly erroneous and are support by substantial evidence, which has been defined as that which a reasonable mind might accept as adequate to support a conclusion), and that the district court did not err in

its legal determinations. *Id.* (providing that the district court's legal conclusions are reviewed de novo). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

Pickering, J.  
Pickering

Parraguirre, J.  
Parraguirre

Saitta, J.  
Saitta

cc: Hon. Jerry A. Wiese, District Judge  
Kenneth Dinkins  
Tina Jackson  
Elizabeth J. Foley  
Eighth District Court Clerk

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<sup>1</sup>We have considered appellants' other arguments and conclude that they lack merit and do not warrant reversal.