

IN THE SUPREME COURT OF THE STATE OF NEVADA

HAROLD D. HARSHMAN,
Appellant,
vs.
STATE OF NEVADA PUBLIC
EMPLOYMENT RETIREMENT
SYSTEM,
Respondent.

No. 63033

FILED

MAR 13 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 order dismissing a state retirement benefits action for failure to properly serve process. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

Proper person appellant filed suit against the State of Nevada Public Employment Retirement System (PERS), arguing that PERS violated his rights in creating a hostile work environment and in terminating his disability benefits. The district court dismissed appellant's complaint without prejudice because the complaint named PERS as a defendant and appellant had failed to timely serve the complaint and summons on the Attorney General, or a person designated by the Attorney General to receive service, and on the person serving as PERS's administrative head. The district court denied appellant's subsequent motion for reconsideration.¹

¹Appellant seeks to appeal both the district court's order of dismissal and its denial of his motion for reconsideration. Upon review, we conclude that the district court did not abuse its discretion in denying the motion for reconsideration. *AA Primo Builders, LLC v. Washington*, 126 Nev. ___, ___, 245 P.3d 1190, 1197 (2010) (noting that a motion for
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This court reviews a district court's dismissal for failure to properly effect service of process for an abuse of discretion. *Abreu v. Gilmer*, 115 Nev. 308, 312-13, 985 P.2d 746, 749 (1999). On appeal, appellant argues that his rights were violated by PERS and other school district and state actors, but appellant does not argue that the district court abused its discretion in dismissing the complaint for insufficient service. Consequently, we will not overturn the district court's order of dismissal. See *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (declining to consider claims when a proper person appellant failed to cogently argue or present supporting authority for the legal basis for his appeal). Further, we have reviewed the record on appeal and we conclude that the district court did not abuse its discretion in dismissing appellant's complaint. *Abreu*, 115 Nev. at 312-13, 985 P.2d at 749. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Cherry, J.
Cherry

...continued

reconsideration is reviewed for an abuse of discretion where appealed with the underlying judgment).

²Appellant's "Request for Automatic Stay," filed on February 24, 2014, is denied as moot.

cc: Hon. Robert W. Lane, District Judge
Harold D. Harshman
Attorney General/Carson City
Nye County Clerk