

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELISABETH YATES; AND JERRY CHANEY, ON BEHALF OF HIS MINOR CHILD, ASHLEY CHANEY,
Appellants,
vs.
CASINO ROYALE, A DOMESTIC CORPORATION,
Respondent.

No. 63181

FILED

APR 17 2015

FRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court judgment on a short trial jury verdict in a tort action. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

Appellants argue that the jury's verdict was contrary to the uncontroverted evidence, and thus, their motion for judgment notwithstanding the verdict or for a new trial should have been granted. Because appellants failed to provide the transcript from the trial, however, we presume that the testimony presented at trial supported the jury's verdict and the district court's determination that substantial evidence supported the jury's verdict. *Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007) ("When an appellant fails to include necessary documentation in the record, we necessarily presume that the missing portion supports the district court's decision."). Thus, having considered the parties' arguments and appendices, we perceive no error in the jury's verdict or the district court's post-trial order.¹ *Grosjean*


¹Appellants' argument that they should have prevailed on a negligence per se claim is without merit as that claim was never raised by
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v. Imperial Palace, Inc., 125 Nev. 349, 362, 212 P.3d 1068, 1077 (2009) (reviewing a decision to grant or deny a motion for a new trial for abuse of discretion); *Prabhu v. Levine*, 112 Nev. 1538, 1543, 930 P.2d 103, 107 (1996) (holding that a jury's verdict will be upheld if it is supported by substantial evidence).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Ronald J. Israel, District Judge
Nathaniel J. Reed, Settlement Judge
Law Offices of Bradley L. Boone
Moriarity Badaruddin & Boone
Hutchison & Steffen, LLC
Eighth District Court Clerk

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appellants during trial or presented to the jury. *Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981).