IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH CLEGG,

Appellant,

vs.

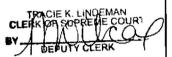
HORIZON HOMES, INC.

Respondent.

No. 65207

FILED

APR 1 7 2015



ORDER OF AFFIRMANCE

This is a pro se appeal from a district court judgment following a bench trial in a real property contract dispute. Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

Appellant contends that the district court erred when it concluded that appellant had not proved facts sufficient to recover on his abuse of process counterclaim. We disagree, as respondent's inability to establish at trial that respondent suffered damages in excess of the contract's liquidated damages provision did not, in and of itself, amount to an abuse of the legal process. Franchise Tax Bd. of Cal. v. Hyatt, 130 Nev. ____, ___, 335 P.3d 125, 143-44 (2014) ("A successful abuse of process claim requires (1) an ulterior purpose . . . other than resolving a legal dispute, and (2) a willful act in the use of the legal process not proper in the regular conduct of the proceeding." (internal quotations omitted)). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Saitta

Gibbons

Pickering

_, J.

SUPREME COURT OF NEVADA

(O) 1947A ••••••

15-11531

cc: Hon. Timothy C. Williams, District Judge Keith Clegg Horizon Homes, Inc. Eighth District Court Clerk