

IN THE SUPREME COURT OF THE STATE OF NEVADA

KEITH CLEGG,  
Appellant,  
vs.  
HORIZON HOMES, INC.  
Respondent.

No. 65207

FILED

APR 17 2015

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

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.

*[Signature]*  
\_\_\_\_\_, J.  
Saitta

*[Signature]*  
\_\_\_\_\_, J.  
Gibbons

*[Signature]*  
\_\_\_\_\_, J.  
Pickering

15-11531

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