

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN JOHN KOZLOWSKI AND  
MICHELLE KOZLOWSKI, INDIVIDUALLY  
AND AS HUSBAND AND WIFE,  
Appellants,  
vs.  
DOUGLAS COUNTY OF THE STATE OF  
NEVADA; DOUGLAS COUNTY SHERIFF'S  
OFFICE; RONALD K. MILLER, AN  
INDIVIDUAL; ERIK A. EISSINGER, AN  
INDIVIDUAL; JOEL L. KRUGER, AN  
INDIVIDUAL; AND DANIEL J. COVERLY,  
AN INDIVIDUAL,  
Respondents.

No. 66140

**FILED**

JUL 23 2015

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

*ORDER OF AFFIRMANCE*

This is a pro se appeal from a district court order dismissing a tort action. Ninth Judicial District Court, Douglas County; Michael P. Gibbons, Judge.

Having considered appellants' appeal statement and the record, we conclude that the district court was within its discretion in denying appellants' motion to amend their pleadings. *Burnett v. C.B.A. Sec. Serv., Inc.*, 107 Nev. 787, 789, 820 P.2d 750, 752 (1991) (reviewing a district court's ruling on a motion to amend a complaint for an abuse of discretion); see *Nelson v. City of Las Vegas*, 99 Nev. 548, 556, 665 P.2d 1141, 1146 (1983) (recognizing that NRCP 15(c) cannot be used as a basis for amending a complaint to assert an otherwise untimely claim when that claim "describes a new and entirely different source of damages"); see also *Costello v. Casler*, 127 Nev., Adv. Op. 36, 254 P.3d 631, 634 (2011) (identifying three factors that a plaintiff must satisfy in order to add a new defendant after the statute of limitations has run).

Similarly, we conclude that the district court was within its discretion in denying appellants' motions to stay the underlying

proceedings. See *Dornbach v. Tenth Judicial Dist. Court*, 130 Nev., Adv. Op. 33, 324 P.3d 369, 373-74 (2014) (noting that district courts have “inherent” case-management authority). Lastly, the record demonstrates that the district court considered the appropriate factors and acted within its discretion in determining that appellants’ repeated failures to comply with respondents’ discovery requests and the district court’s November 2013 order warranted dismissal of their complaint. See *Young v. Johnny Ribeiro Bldg., Inc.*, 106 Nev. 88, 92-93, 787 P.2d 777, 779-80 (1990) (recognizing that the district court has the discretion to dismiss a complaint as a discovery sanction so long as certain factors are considered). Accordingly, we

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

1 Hardesty, C.J.  
Hardesty

Saitta, J.  
Saitta

Pickering, J.  
Pickering

cc: Ninth Judicial District Court Dept. 2  
Michelle Kozlowski  
Steven John Kozlowski  
Thorndal Armstrong Delk Balkenbush & Eisinger/Reno  
Douglas County Clerk

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<sup>1</sup>In light of our resolution of this appeal, no action needs to be taken with regard to appellants’ October 1, 2014, motion, their October 23, 2014, notice, or their May 14, 2015, motion, and any requests therein are denied as moot.