

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ELLIE CLARK, AN INDIVIDUAL; AND
PHYLLIS BOYDEN, AS GUARDIAN OF
THE ESTATE OF ULONDA CLARK,
Appellants,
vs.
MATTHEW FARAH, INDIVIDUAL,
Respondent.

No. 66839

FILED

OCT 16 2015

TRACIE H. LINDENMAN
CLERK OF SUPREME COURT
BY *J. Williams*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court judgment on a jury verdict in a personal injury action. Eighth Judicial District Court, Clark County; Adriana Escobar, Judge.

This appeal arises from a personal injury action appellants filed against respondent following an alleged motor vehicle accident. The underlying matter was tried before a jury as part of Nevada's short trial program, with the jury ultimately finding in favor of respondent. Following the entry of judgment in respondent's favor, this appeal followed.

Appellants' sole argument on appeal is that a handwritten note on the rental car company incident report, ostensibly from an employee of the company that rented the car to respondent, which provides "no damage to our vehicle," was improperly admitted at trial and that this document resulted in the jury finding in respondent's favor. According to appellants, the short trial judge admitted this handwritten note from the rental car employee under the business records exception to

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the hearsay rule, a determination they maintain was improper because the document was not accompanied by testimony or an affidavit of the custodian or other qualified witness as required by NRS 51.135.

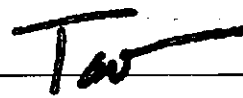
Here, appellants' appendix contains only seven documents: their complaint, an affidavit of service for the complaint, respondent's answer to the complaint, a copy of the incident report, the underlying judgment, the notice of entry of that judgment, and their notice of appeal. Appellants have not provided any motion practice pertaining to their asserted objection to the admission of the handwritten note from the rental company employee or a transcript of the hearing at which this objection was purportedly argued. Indeed, the record does not even contain minutes or an order from the short trial judge memorializing the ruling regarding the admissibility of this document. Absent these materials, we are unable to ascertain what, if any, arguments were made in support of and in opposition to the admission of this document or evaluate the basis for the district court's decision on this issue.

It is well established that appellants have the burden of providing this court with an adequate appellate record. *Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007). And when "appellant[s] fail[] to include necessary documentation in the record, we necessarily presume that the missing portion supports the district court's decision." *Id.* Here, aside from the incident report, appellants have not provided any of the documents necessary to evaluate the district court decision at issue in this appeal or assess the parties' respective arguments that resulted in that determination. Under these circumstances, we must necessarily presume that the missing portions of

the district court record support the court's decision. *See id.* Accordingly,
we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Adriana Escobar, District Judge
William C. Turner, Settlement Judge
Atkinson & Watkins, LLP
Matthew Farah
Eighth District Court Clerk