

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL MULKEY,
Appellant,
vs.
GLOGOVAC & PINTAR,
Respondent.

No. 68834

FILED

MAR 02 2016

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

ORDER OF AFFIRMANCE


This is an appeal from a district court order dismissing a torts action. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.


Appellant filed a complaint and amended complaint in the district court alleging that respondent obtained his medical records in violation of the law. Respondent filed a motion to dismiss the amended complaint which the district court granted on the grounds that appellant failed to file an opposition, *see* DCR 13(3) (providing that failure to file an opposition to a motion “may be construed as an admission that the motion is meritorious and a consent to granting the same”), that appellant failed to state a claim upon which relief could be granted, and that his claims were barred by claim and/or issue preclusion. This appeal followed.

In his appeal statement, appellant argues that the district court erred in dismissing his amended complaint because respondent violated the law by obtaining appellant’s medical records, but does not put forth any argument regarding the district court’s alternate bases for dismissal—that appellant failed to file an opposition to respondent’s motion to dismiss and that his claims were barred on preclusion grounds. As a result, we conclude that he has waived these arguments. *See Powell*

v. Liberty Mut. Fire Ins. Co., 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (holding that issues not raised on appeal are deemed waived). And, accordingly, we affirm the district court's dismissal of appellant's amended complaint on those grounds.

It is so ORDERED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Connie J. Steinheimer, District Judge
Michael Douglas Mulkey
Lemons, Grundy & Eisenberg
Washoe District Court Clerk

¹Appellant submitted a document on January 21, 2016, entitled "Appellant Response to the Supreme Courts [sic] Order" and a "Motion to Add Exhibits to Appeal" on January 29, 2016, and we direct the clerk to file both documents. The first document does not request any relief, and, therefore, we decline to take any action on it. And, based on our decision here, we deny as moot appellant's motion to add exhibits to this appeal.