

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KRYSTINA LEE KINNEY, AN
INDIVIDUAL; AND BYRNE KINNEY,
AN INDIVIDUAL,
Appellants,
vs.
WEN YU JIANG; AND DOU XING
JIANG,
Respondents.

No. 68358

FILED

JUL 13 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *J. Hendrick*
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a district court order granting a new trial in a tort action conducted under the short trial program. Eighth Judicial District Court, Clark County; James Crockett, Judge.

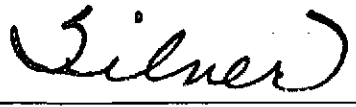
In this appeal, although appellants are challenging an order granting a new trial, the appendices they filed with their appellate briefs do not contain any of the motion practice from the underlying proceeding with regard to respondents' request for a new trial. Nor do the appendices include either a transcript of the short trial or a statement of the evidence pursuant to NRAP 9(d). Because these missing documents are necessary to our review of appellants' challenge to the order granting a new trial, we presume that they support the decision to grant a new trial. *See Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007) (explaining that "appellants are responsible for making an adequate appellate record"). As a result, we necessarily conclude that the court did not abuse its discretion by granting respondents' motion for a new trial. *See Edwards Indus., Inc. v. DTE/BTE, Inc.*, 112 Nev. 1025, 1036, 923 P.2d 569, 576 (1996) (providing that a trial court's decision to

grant or deny a new trial is reviewed for an abuse of discretion). And we therefore affirm that decision.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. James Crockett, District Judge
Phillip Aurbach, Settlement Judge
Upson Smith/Las Vegas
Lin Law Group
Eighth District Court Clerk