

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JERALD L. KENDRICK,
Appellant,
vs.
GOLDEN GAMING, LLC; AND THE
STATE OF NEVADA GAMING
CONTROL BOARD,
Respondents.

No. 70373

FILED

OCT 26 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order dismissing a tort and civil rights action. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.

Appellant Jerald L. Kendrick sued respondents Golden Gaming, LLC, and the State of Nevada Gaming Control Board (the Board), alleging that Golden Gaming operated an unfair drawing and maintained unsafe conditions at one of its casinos and that the Board failed to take appropriate action when he complained about the allegedly unfair drawing. Golden Gaming and the Board each moved for dismissal of Kendrick's complaint, which the district court granted with prejudice. Thereafter, Kendrick moved for reconsideration, and the district court denied that motion. This appeal followed.

On appeal, Kendrick makes no arguments regarding the grounds on which the district court dismissed his underlying complaint


and thus, he has waived any challenge to the propriety of the dismissal of his case. See *Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (explaining that arguments not raised on appeal are deemed waived). Instead, Kendrick's informal brief challenges only the determination that his underlying case should be dismissed with prejudice. In particular, he asserts that the district court's written order, which was prepared by counsel for Golden Gaming and the Board, does not conform to its oral ruling, which allegedly did not provide for the dismissal to be with prejudice.


Even if Kendrick's assertion regarding the court's oral ruling was true,¹ because a district court's oral pronouncement on a substantive matter is ineffective, it remained free to reconsider its oral ruling and adopt the written judgment prepared by counsel for Golden Gaming and the Board. See *Div. of Child & Family Servs. v. Eighth Judicial Dist. Court*, 120 Nev. 445, 451, 454, 92 P.3d 1239, 1243, 1245 (2004) (providing that dispositional court orders must be entered before they become effective and that, before such an order is entered, the district court remains free to reconsider its oral pronouncement); see also DCR 21 (requiring the prevailing party to provide a proposed written decision for the district court's consideration). Because, as noted above, Kendrick failed to otherwise challenge the district court's order dismissing his complaint, we conclude that dismissal with prejudice was proper.

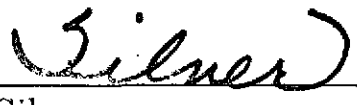
¹Kendrick has not requested a transcript of the hearing at which the motions to dismiss were heard.

Thus, based on the foregoing, we affirm the district court's order dismissing Kendrick's complaint with prejudice.

It is so ORDERED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Robert W. Lane, District Judge
Jerald L. Kendrick
Attorney General/Carson City
Attorney General/Las Vegas
Sean Higgins
Jeffrey R. Rodefer
Zachary A. Adams
Nye County Clerk

²To the extent Kendrick's informal brief can be read to present arguments not specifically addressed in this order, including arguments regarding the denial of his motion for reconsideration, we have considered those arguments and conclude they are without merit.