

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALEX PASTERNAK, INDIVIDUALLY,
Appellant,
vs.
HEALTHSOUTH REHABILITATION
HOSPITAL OF LAS VEGAS, A
DELAWARE LIMITED-LIABILITY
COMPANY,
Respondent.

No. 67642

FILED

NOV 22 2016

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court summary judgment in a torts action. Eighth Judicial District Court, Clark County; Richard Scotti, Judge.

Below, the district court concluded that summary judgment was appropriate on appellant's abuse of process and malicious prosecution claims because appellant failed to present any evidence on essential elements of those claims, and thus, the claims failed as a matter of law. *See Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 602-03, 172 P.3d 131, 134 (2007) (providing that a party that does not bear the burden of persuasion at trial can succeed on summary judgment by "pointing out . . . that there is an absence of evidence to support the nonmoving party's case" (alteration in original) (quoting *Celotex Corp. v. Catrett*, 477 U.S. 317, 325 (1986))). Alternatively, the district court concluded that respondent had qualified immunity from appellant's claims under NRS 200.5096, which protects parties from civil and criminal liability when they, in good faith, participate in the reporting of suspected elder abuse.

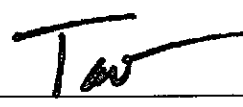
On appeal from that order, appellant asserts that genuine issues of material fact existed as to whether respondent acted in good faith

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in reporting the suspected elder abuse, precluding summary judgment on that issue. Appellant does not argue, however, that the district court erred in its alternative conclusion that summary judgment was appropriate because appellant failed to present evidence demonstrating the existence of a genuine issue of fact on essential elements of his claims. As appellant presents no argument against the district court's alternative basis for granting summary judgment, we conclude that he has waived any such argument. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that arguments not raised on appeal are deemed waived). Accordingly, we affirm the grant of summary judgment to respondent based on appellant's failure to present evidence as to essential elements of the claims.

It is so ORDERED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

¹Based on our decision herein, we need not address the parties' arguments regarding NRS 200.5096.

cc: Hon. Richard Scotti, District Judge
William C. Turner, Settlement Judge
Thomas Michaelides
Mandelbaum, Ellerton & Associates
Eighth District Court Clerk