

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CARLOS TWANO,  
Appellant,  
vs.  
LAGLINDA YEVONNE JACKSON,  
INDIVIDUALLY; AND TRANSDEV  
NORTH AMERICA, INC., A  
MARYLAND CORPORATION F/K/A  
VEOLIA TRANSPORTATION  
SERVICES, INC.,  
Respondents.

No. 70502

FILED

MAY 31 2017

ELIZABETH BROWN  
CLERK OF THE COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF REVERSAL AND REMAND*

Appellant Carlos Twano appeals from a district court order striking his negligence complaint as a discovery sanction. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.


Twano filed the underlying action against respondents Laglinda Yevonne Jackson and Transdev North America, Inc., alleging that he was injured as a result of Jackson's negligent operation of a bus owned by Transdev. When Twano refused to answer questions at his first deposition and failed to appear at a second deposition, Jackson and Transdev moved the district court to strike his complaint. Ultimately, the district court granted the motion, which effectively resulted in the dismissal of all of his claims, and thus, the dismissal of the underlying action. This appeal followed.

While the district court has discretion to dismiss an action as a discovery sanction, a somewhat heightened standard of review applies to such dismissals. *See Young v. Johnny Ribeiro Bldg., Inc.*, 106 Nev. 88, 92, 787 P.2d 777, 779 (1990). Moreover, "every order of dismissal with prejudice as a discovery sanction [must] be supported by an express,

careful and preferably written explanation of the court's analysis of the pertinent factors." *Id.* at 93, 787 P.2d at 780. And the *Young* court identified a non-exhaustive list of factors for a court to consider in dismissing a case as a discovery sanction. *Id.*

Here, the district court's order summarily struck Twano's complaint without providing any discussion of the *Young* factors or otherwise explaining why it found the motion to strike to be meritorious. Because *Young* expressly requires such an explanation, we reverse the order of the district court striking Twano's complaint and remand this matter to that court for further proceedings consistent with this order.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Mark R. Denton, District Judge  
Carlos Twano  
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas  
Eighth District Court Clerk