

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DAVID R. STEVENS, AN INDIVIDUAL,
Appellant,
vs.
A & J FLOORING SOLUTIONS, A
NEVADA LIMITED LIABILITY
COMPANY,
Respondent.

No. 71535

FILED

OCT 31 2017

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

ORDER OF AFFIRMANCE

David R. Stevens appeals from a district court order entering judgment in favor of respondent following a short trial.¹ Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.

Stevens sued respondent A & J Flooring Solutions, LLC, for breach of contract and breach of the duty of good faith and fair dealing, alleging that A & J negligently installed hardwood floors. A & J counter-claimed for breach of contract, breach of the duty of good faith and fair dealing, and unjust enrichment, seeking the balance owed on the contract. After an arbitrator found for A & J, Stevens requested a trial de novo and the case proceeded into the short trial program with a judge pro tempore conducting a bench trial. The judge pro tempore ruled for A & J, and the district court thereafter entered the judgment.²

On appeal, Stevens argues reversal is required because the judge pro tempore erroneously (1) called a witness in violation of the exclusionary rule, and (2) admitted evidence of domestic violence and drugs

¹Pro Tempore Judge Gayle Nathan presided over the short trial.

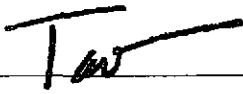
²We do not recount the facts except as necessary to our disposition.

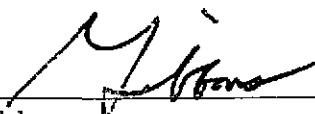
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and thereafter referenced those findings in the final order. Stevens did not raise these objections below and we therefore conclude that Stevens has waived his right to raise these arguments on appeal. *Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (“A point not urged in the trial court, unless it goes to the jurisdiction of that court, is deemed to have been waived and will not be considered on appeal.”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Ronald J. Israel, District Judge
Nathaniel J. Reed, Settlement Judge
Law Offices of P. Sterling Kerr
Nevada Walker, PLLC
Eighth District Court Clerk