

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ARA V. MARUTYAN; ARTHUR
MARUTYAN; AND DIANA
MARUTYAN,
Appellants,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

No. 72569

FILED

APR 17 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Ara V. Marutyan, Arthur Marutyan, and Diana Marutyan appeal a district court order dismissing the complaint without prejudice. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.

In the underlying proceeding, the district court determined that Irma Marutyan (also known as Irma Mkrtchyan) was a necessary party and stayed the matter pending a representative being designated on Irma's behalf through a guardianship or probate proceeding. Thereafter, the district court, at two separate hearings, specifically ordered Ara Marutyan to join a representative on Irma's behalf to the action. Ara subsequently failed to join a party on Irma's behalf, and the district court advised that it would issue an order to show cause for failure to comply with NRCP 19(a) and advised that a failure to join the representative would result in dismissal of the action. At the order to show cause hearing, the district court found that a representative had not been appointed on Irma's behalf and that Ara provided no indication that he was attempting to find a

representative. Based on its findings, the district court dismissed the complaint without prejudice and this appeal followed.

This court reviews the district court's dismissal of an action for failure to comply with court orders for an abuse of discretion. *See Moore v. Cherry*, 90 Nev. 390, 393, 528 P.2d 1018, 1020 (1974). On appeal, appellants reiterate their argument from below that a representative is not necessary in this case because appellants can prove that all of the items at issue in this case belonged to them and not to Irma; thus, Irma has no interest in the proceedings. Appellants offer no argument as to why they believe they were not required to comply with the district court's order and our research reveals no authority that would allow appellants to ignore the district court's order. Thus, we cannot say that the district court abused its discretion in dismissing the action for failure to comply with its orders. *See Rish v. Simao*, 132 Nev. ___, ___, 368 P.3d 1203, 1210 (2016) ("A party is required to follow court orders, even erroneous ones, until overturned or terminated."); *Esworthy v. Williams*, 100 Nev. 212, 213, 678 P.2d 1149, 1150 (1984) (the district court may dismiss a case for failure to comply with its orders).

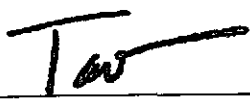
To the extent appellants challenge the district court's underlying order requiring Irma to be joined in the proceedings, we also conclude that the district court did not commit reversible error. Pursuant to NRCP 19(a), the district court appears to have correctly determined that Irma is a necessary party as she could claim an interest in the subject property and her absence impairs her ability to protect that interest. Similarly, pursuant to NRCP 19(b), our review of the record supports the

conclusion that because Irma could not be made a party in this case, dismissal was warranted.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Linda Marie Bell, District Judge
Ara V. Marutyan
Arthur Marutyan
Diana Marutyan
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Eighth District Court Clerk

¹Having reviewed appellants' remaining arguments on appeal, we conclude that they are without merit or otherwise do not warrant relief in light of our disposition of this appeal.