

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SCOTT WILLIAM DUMMERT,
Appellant,
vs.
RENEE NGO, M.D., AN INDIVIDUAL,
Respondent.

No. 75848

FILED

OCT 31 2018

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

ORDER OF AFFIRMANCE


Scott William Dummert appeals from a district court order dismissing his complaint in a professional negligence action. Eighth Judicial District Court, Clark County; Joanna Kishner, Judge.


Dummert filed a complaint alleging medical malpractice against respondent Renee Ngo. Ngo moved to dismiss, arguing, among other things, that although Dummert effectively presented a professional negligence claim, he failed to support it by attaching a medical expert affidavit to his complaint. *See* NRS 41A.071 (providing that the district court shall dismiss a professional negligence action that is not supported by a medical expert affidavit); *see also Washoe Med. Ctr. v. Second Judicial Dist. Court*, 122 Nev. 1298, 1304, 148 P.3d 790, 794 (2006) (holding that a complaint that does not comply with NRS 41A.071 is void ab initio and has no force or effect). After Dummert failed to oppose that motion, the district court dismissed his complaint, concluding that it presented a claim for professional negligence and that it was not supported by the required medical expert affidavit.


On appeal, Dummert does not dispute that he sued for professional negligence, that he failed to attach a medical expert affidavit

to his complaint, or that the district court was therefore required to dismiss his complaint under NRS 41A.071. *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). As a result, Dummert failed to demonstrate that the district court erred in dismissing his complaint. *See Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008) (reviewing a district court order granting a motion to dismiss de novo). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Joanna Kishner, District Judge
Scott William Dummert
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas
Eighth District Court Clerk