

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

THOMAS M. SNEE, II,
Appellant,
vs.
PATRICIA AIKEN,
Respondent.

No. 73754

FILED

SEP 14 2018

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

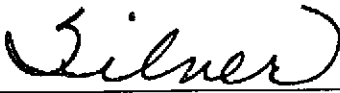
ORDER OF AFFIRMANCE


Thomas M. Snee, II, appeals from a district court judgment on a jury verdict in an unjust enrichment action. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Judge.

Respondent Patricia Aiken filed suit against appellant Thomas M. Snee, II, Thomas M. Snee, Sr., and several related corporate entities. Aiken attempted service on appellant Snee, II via leaving a copy of the complaint and summons with Snee, Sr., at an address Aiken believed to be Snee, II's business address. Upon a motion to dismiss from Snee, II, the district court specifically instructed Aiken to personally serve Snee, II in accordance with all applicable statutes and court rules. Thereafter, Aiken submitted a certificate of service, establishing that a copy of the complaint and summons was served on a person of suitable age at the home address of Snee, II. Snee, II again challenged this service via a renewed motion to dismiss, claiming that Aiken was required to use a licensed process server. The district court did not rule on Snee, II's second motion to dismiss, and the case went to trial. Following a verdict in Aiken's favor, this appeal followed.

On appeal, Snee, II argues that the district court should have dismissed him from the suit prior to trial for insufficiency of service of process. See NRCP 12(b)(4). This court reviews issues regarding dismissal for insufficiency of service of process for an abuse of discretion. See *Saavedra-Sandoval v. Wal-Mart Stores, Inc.*, 126 Nev. 592, 595, 245 P.3d 1198, 1200 (2010); *Scrimmer v. Dist. Ct.*, 116 Nev. 507, 512-13, 998 P.2d 1190, 1193-94 (2000). Snee, II's assertion that service can only be effectuated by a licensed process server is not supported by statute or law. See NRCP 4(c) ("Process shall be served by the sheriff . . . or by any person who is not a party and who is over 18 years of age."). And where Snee, II challenges the district court's failure to enter an order on his renewed motion to dismiss, we determine this sequence of events constitutes a proper denial of the motion. See *Bd. of Gallery of History, Inc. v. Datecs Corp.*, 116 Nev. 286, 289, 994 P.2d 1149, 1150 (2000) (explaining that the absence of a ruling by the district court on a motion constitutes a denial of the motion). Without any other argument to establish Snee, II was not properly served with the complaint and summons, we conclude that the district court did not abuse its discretion under these circumstances. See *Saavedra-Sandoval*, 126 Nev. at 595, 245 P.3d at 1200. And because Snee, II offers no other challenges to the judgment entered against him, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Jerry A. Wiese, District Judge
Thomas M. Snee, II
Patricia Aiken
Eighth District Court Clerk