

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

VICTORIA-JOY GODWIN,
Appellant,
vs.
SENIOR GARDEN APARTMENTS;
AND RUSSELL N. RICCIARDELLI,
Respondents.

No. 75623-COA

FILED

JAN 25 2019

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

ORDER OF AFFIRMANCE

Victoria-Joy Godwin appeals from a district court order granting summary judgment in a tort action. Eighth Judicial District Court, Clark County; Timothy C. Williams, Judge.

Godwin filed a complaint against respondents Senior Garden Apartments and Russell N. Ricciardelli alleging various errors or improprieties during a related justice court eviction matter and sexual harassment and discrimination during her rental of an apartment at Senior Garden Apartments. The eviction matter was instituted by Ricciardelli, the landlord of Senior Garden Apartments. In the eviction matter, an eviction was granted and upheld on appeal to the district court. Respondents then moved for summary judgment in the district court action, arguing that the claims related to the eviction were barred by preclusion principles, particularly claim preclusion, and that the other claims should be dismissed as the same claims were currently pending before the United States District Court for the District of Nevada. The motion was granted over Godwin's opposition and this appeal followed.

This court reviews orders granting summary judgment de novo. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment is proper if the pleadings and all other evidence on file demonstrate that no genuine issue of material fact exists and that the moving party is entitled to judgment as a matter of law. *Id.* When deciding a summary judgment motion, all evidence must be viewed in a light most favorable to the nonmoving party. *Id.*

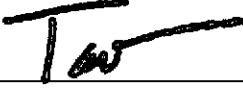
On appeal, Godwin appears to argue that claim preclusion could not apply because she filed the complaint in this matter prior to the entry of the appellate order affirming eviction. But so long as there is a valid final judgment at the time preclusion principles are applied and the other elements of claim preclusion are satisfied, the application of claim preclusion is proper. *See Weddell v. Sharp*, 131 Nev. 233, 241, 350 P.3d 80, 85 (2015) (setting forth the elements of claim preclusion, including the requirement that there has been a valid final judgment in another action). And here, the record reveals that there was a valid final judgment in the eviction action¹ at the time the district court granted summary judgment. Moreover, the record otherwise supports the application of claim preclusion to the claims at issue here, and thus summary judgment was properly

¹Godwin raises some arguments regarding the use of the word remand in the district court order affirming the eviction decision on appeal. Having considered these arguments and reviewed the record before us, we conclude they do not provide a basis for relief as the appellate order clearly and unequivocally affirmed the eviction decision.

granted as to the claims relating to the underlying eviction.² See *Wood*, 121 Nev. at 729, 121 P.3d at 1029. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, A.C.J.
Douglas


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Timothy C. Williams, District Judge
Victoria-Joy Godwin
Law Offices of Karl H. Smith/Las Vegas
Karsaz & Associates
Eighth District Court Clerk

²We have considered Godwin's remaining arguments and conclude they do not provide a basis for relief.

³We note that, while the district court's order is not entirely clear and despite it being an order granting summary judgment, it appears to have dismissed Godwin's sexual harassment and discrimination causes of action because the same causes of action were already pending before the United States District Court for the District of Nevada. On appeal, Godwin failed to present any argument against the dismissal of these causes of action and thus, she has waived any such arguments. See *Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (stating that issues not raised in appellant's opening brief are waived).