

IN THE SUPREME COURT OF THE STATE OF NEVADA

MANFORD E. BEALS,  
Appellant,

vs.

DAVID MOSS, AN INDIVIDUAL;  
PHYSIOTHERAPY ASSOCIATES, INC.,  
A NEVADA CORPORATION; AND  
SPORTS WEST ATHLETIC CLUB,  
INC., A NEVADA CORPORATION,  
Respondents.

No. 36877

FILED

OCT 15 2002

JANETTE M. BLOOM  
CLERK OF SUPREME COURT

BY *J. Richards*  
CHIEF DEPUTY CLERK

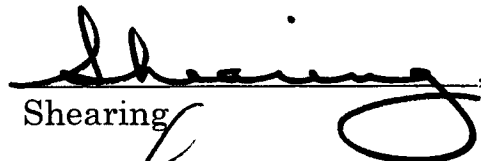
ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing appellant's complaint under NRCP 16.1(e). Because the district court did not abuse its discretion in dismissing the complaint, we affirm.

Under NRCP 16.1(a), a plaintiff must designate the time and place for an early case conference with a defendant, to be held within 30 days after service of the answer by the defendant, unless the time period is properly continued. Under NRCP 16.1(c), the parties must also file and serve a joint or individual case conference report within 30 days after each case conference. NRCP 16.1(e)(1) grants the district court discretion to dismiss a case as to a defendant if the mandatory early case conference is not held within 180 days after service of process upon that defendant, "unless there are compelling and extraordinary circumstances for a continuance beyond this period." NRCP 16.1(e)(2) similarly allows the district court to dismiss the case as to a defendant if the plaintiff does not file a case conference report within 240 days after the service of a summons and complaint upon the defendant.

Here, the district court dismissed appellant Manford Beals' action under NRCP 16.1(e)(1) and (2) because he did not comply with the time limits for holding an early case conference and for filing a case conference report. NRCP 16.1(g) makes clear that all litigants, including proper persons, must comply with the requirements of Rule 16.1. While aware of Rule 16.1's requirements, Beals allowed this litigation to lie dormant for fourteen months, and, in opposing dismissal, failed to show that compelling and extraordinary circumstances warranted extending the time limit for holding the early case conference. Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

 J.

Shearing

 J.

Leavitt

 J.

Becker

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<sup>1</sup>On August 16, 2001, respondent Sports West moved to dismiss this appeal based on Beals' alleged failure to file an opening brief under NRAP 31. On August 21, 2001, respondents Moss and Physiotherapy joined in the motion. We deny the motion as meritless. Beals did not violate NRAP 31 because proper person appellants may not file briefs or other papers without this court's leave. See NRAP 46(b).

cc: Hon. Peter I. Breen, District Judge  
Georgeson Thompson & Angaran, Chtd.  
McKissick Van Walraven & Harris  
Manford E. Beals  
Washoe District Court Clerk