

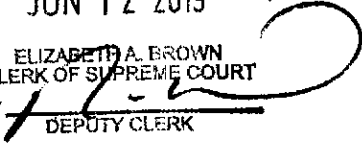
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

REBEKAH ANNE PHILLIPS,
Appellant,
vs.
DOROTHY NASH-HOLMES, JUDGE IN
HER OFFICIAL CAPACITY,
Respondent.

No. 76818-COA

FILED

JUN 12 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Rebekah Anne Phillips appeals from a district court order dismissing a declaratory relief action. Second Judicial District Court, Washoe County; Egan K. Walker, Judge.

In the proceedings below, Phillips filed a petition for declaratory relief asserting that respondent, Judge Dorothy Nash-Holmes, failed to report abuse that Phillips suffered as a minor child in 1980 from her dentist. Specifically, Phillips contends that Nash-Holmes was the Washoe County District Attorney in 1993, when the dentist was prosecuted for two counts of misdemeanor battery, and Nash-Holmes failed to include her as a victim at that time. Phillips also contends that Nash-Holmes subsequently failed to report the abuse when a third-person, who is not a party to this action, contacted Nash-Holmes on Phillips' behalf to inform her that Phillips alleged she was victimized by the same dentist. Phillips contends that Nash-Holmes is a mandatory reporter and has a duty to report abuse pursuant to NRS 200.50935 and NRS 432B.220.

Based on these allegations, Phillips filed a declaratory relief action seeking a district court order requiring Nash-Holmes to demand that law enforcement investigate Phillips' alleged abuse and suffering, including

a forensic examination of the foreign body allegedly in Phillips' body. Additionally, Phillips requested that Nash-Holmes be required to "strongly advise" law enforcement that there may be other victims and that these victims should be identified. Nash-Holmes filed a motion to dismiss for failure to state a claim and asserting that she was entitled to prosecutorial and judicial immunity, which the district court granted over Phillips' opposition. This appeal followed.


An order granting an NRCP 12(b)(5) motion to dismiss is reviewed de novo. *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008); see also *Alcantara v. Wal-Mart Stores, Inc.*, 130 Nev. 252, 256, 321 P.3d 912, 914 (2014). This court will affirm the decision to dismiss under NRCP 12(b)(5) when the factual allegations do not entitle a plaintiff to relief under the claims asserted. *Buzz Stew*, 124 Nev. at 227-28, 181 P.3d at 672.

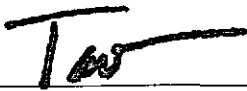
On appeal, Phillips argues that the district court's conclusion that her petition fails to state a cognizable claim for relief is not true; that her petition seeks relief pursuant to NRS 200.50935 and NRS 432B.220; that prosecutorial immunity does not always apply; and that the petition requests Nash-Holmes be required to act in her official capacity, not her judicial capacity. Phillips' arguments consist only of these summary statements, without any development or explanation as to how these points provide a basis to reverse the district court's decision. As a result, we conclude she has failed to make any cogent arguments addressing the grounds relied on by the district court in dismissing the petition, and thus, we necessarily affirm the district court's order. See *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (concluding that appellate courts need not consider issues that are not

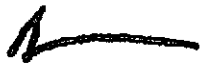
cogently argued). Additionally, based on our review of the record, we agree that the factual allegations in the petition do not entitle Phillips to relief under the claims asserted. *See Buzz Stew*, 124 Nev. at 227-28, 181 P.3d at 672.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Egan K. Walker, District Judge
Rebekah Anne Phillips
Reno City Attorney
Washoe District Court Clerk