

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RANDALL GEORGE ANGEL,
Appellant,
vs.
ELDORADO CASINO, INC.,
Respondent.

No. 68076

FILED

NOV 19 2015

TRACIE K. WINDEMAN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court judgment in an intentional torts action. Second Judicial District Court, Washoe County; David A. Hardy, Judge.

The present case arises from an incident that occurred on the premises of respondent Eldorado Casino, Inc., on November 23, 2006. According to the Eldorado, its security guards requested that appellant Randall George Angel accompany them to a holding room after finding him sleeping in one of the resort's restrooms. Once in the holding room, Angel allegedly became combative and attacked one of the Eldorado's security guards, prompting the Eldorado's security guards to handcuff Angel and call the police. Angel, on the other hand, maintains that he was not sleeping, that he was handcuffed while still in the restroom, and that he was escorted to a holding room where five of the Eldorado's security guards struck him repeatedly. In either case, Angel was subsequently arrested and charged with trespassing and battery.

After the charges against Angel were later dismissed, Angel filed a complaint against the Eldorado, alleging, as relevant to this appeal, false imprisonment and battery. The matter proceeded to court-annexed

arbitration, but, after the arbitrator found in favor of the Eldorado, Angel moved for a trial de novo. Following a bench trial, which was conducted as part of the short trial program, judgment was entered in favor of the Eldorado on each of Angel's claims. This appeal followed.

On appeal, Angel presents only summary arguments and vague assertions as to why he believes the entry of judgment against him on his underlying claims was improper. For example, although Angel contends the district court should have granted his motion for judgment on the pleadings, he provides no explanation or argument as to why he believes that motion should have been granted. Instead, he simply asserts that his motion was "true and correct on [his] behalf" and requests that this court adopt this position in reviewing his appeal.¹ Angel also contends that one of the Eldorado security guards committed perjury on the stand, but he fails to set forth what portions of this witness's

¹Angel's assertion in this regard could arguably be construed as an attempt to incorporate the arguments contained in this motion by reference. But any such effort is improper, as parties may not incorporate arguments from district court documents by reference. Cf. NRAP 28(e)(2). If Angel wished to raise the arguments contained in that motion on appeal, he was required to specifically set forth those arguments in his civil appeal statement.

To the extent Angel implies that the fact that the underlying judgment does not discuss his motion for judgment on the pleadings somehow suggests the district court did not review that motion, we need not address that argument in light of Angel's failure to develop cogent arguments as to why that motion should have been granted. See *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (recognizing that arguments not cogently argued need not be considered on appeal).

testimony were allegedly perjured or to even identify the specific security guard he contends committed perjury.

Similarly, Angel flatly asserts, without discussion or explanation, that the Eldorado battered and falsely imprisoned him. But in so doing, Angel does not reference or otherwise address the district court's determination that he failed to prove these claims by a preponderance of the evidence or its findings and conclusions regarding the events that took place prior to Angel's arrest.


Finally, with regard to the district court's finding that he failed to present "any evidence of damages," Angel asserts that we should rule that he did provide such evidence in the underlying case. Angel, however, fails to direct our attention to any evidence in the record indicating that he suffered damages as a result of his alleged battery and false imprisonment, and our review of the record did not reveal any such evidence to support Angel's contention.

As set forth above, Angel has failed to present cogent argument or explanation as to any of the issues he raises on appeal. Absent any such arguments, we necessarily affirm the district court's entry of judgment in the Eldorado's favor on Angel's underlying claims.² See *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d


²On July 7, 2015, Angel filed a document that appeared to express concern that certain district court filings made while the underlying case was assigned to Department 8 of the Second Judicial District Court might not be reviewed in resolving this matter. But the record on appeal contains both the materials filed while the case was assigned to Department 8 and those filed after the case was reassigned to Department 15 and we have reviewed all of these materials in resolving this appeal. As a result, we deny as moot any relief requested in Angel's July 7 filing.

1280, 1288 n.38. (2006) (recognizing that arguments not cogently argued need not be considered on appeal). Accordingly, for the reasons set forth above, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. David A. Hardy, Chief Judge
Randall George Angel
McDonald Carano Wilson LLP/Las Vegas
Washoe District Court Clerk