


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GEORGE A. TOLIVER,
Appellant,
vs.
CLARK COUNTY SCHOOL DISTRICT;
AND REBECCA NIXON,
Respondents.

No. 78683-COA

FILED

MAR 30 2020

ELEAZAR A. DROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

George A. Toliver appeals from a district court order dismissing a tort complaint.¹ Eighth Judicial District Court, Clark County; Rob Bare, Judge.

After being hit by a Clark County school bus while riding his bike, Toliver filed a complaint against respondents Clark County School District (CCSD) and Rebecca Nixon, the driver of the bus. CCSD subsequently filed a motion to dismiss alleging that Toliver failed to timely file a case conference report as required by NRCP 16.1.² The motion was

¹The clerk of the court is directed to modify the caption for this case to conform to the caption on this order.

²NRCP 16.1 was amended effective March 1, 2019. *See In re Creating a Comm. to Update & Revise the Nev. Rules of Civil Procedure*, ADKT 0522 (Order Amending the Rules of Civil Procedure, the Rules of Appellate Procedure, and the Nevada Electronic Filing and Conversion Rules, December 31, 2018). Although the challenged order was entered after that date, our resolution of this matter is governed by the prior version of NRCP 16.1, which remained in effect when the early case conference was held, when the time for Toliver to file his case conference report expired, and when CCSD filed its motion to dismiss.

granted over Toliver's opposition and this appeal followed.³

On appeal, Toliver argues only that the district court's order should be reversed because, as a pro se litigant, he did not know all of the rules of civil procedure governing the time for filing a case conference report. But litigants are not excused from following the rules simply because they are proceeding in pro se. *See Rodriguez v. Fiesta Palms, LLC*, 134 Nev. 654, 659, 428 P.3d 255, 258-59 (2018) (noting that procedural rules cannot be applied differently to pro se litigants and that "a pro se litigant cannot use his alleged ignorance as a shield to protect him from the consequences of failing to comply with basic procedural requirements"); NRCP 16.1(g) (providing that parties proceeding in proper person must comply with NRCP 16.1). Regardless, we need not reach whether Toliver actually complied with NRCP 16.1's timing requirement, as he has not provided any cogent argument indicating he complied with the applicable rules or otherwise addressing the basis on which the district court dismissed his case.⁴ *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130


³The challenged order also dismissed the underlying complaint as to Nixon due to Toliver's failure to timely serve her; however, Toliver presents no argument as to Nixon's dismissal and thus he has waived any challenge to that decision. *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).

⁴Although we affirm the challenged order based on the lack of cogent argument presented on appeal, we take this opportunity to remind the parties and counsel that after the early case conference takes place, each party is required to file a case conference report. If the parties are unable to agree on a report, each party must file and serve an individual report. *See* NRCP 16.1(c) (requiring *each* party to file and serve a case conference

P.3d 1280, 1288 n.38 (2006) (declining to consider issues that are not supported by cogent argument). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Rob Bare, District Judge
George A. Toliver
Clark County School District Office of the General Counsel
Eighth District Court Clerk

report if they are unable to agree on a joint report). This requirement is included in both the prior and current versions of NRCP 16.1.