

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JASON L. LOPEZ, AN INDIVIDUAL,  
Appellant,  
vs.  
LANCE A. MANINGO, AN  
INDIVIDUAL; AND BELLON AND  
MANINGO LLP, A LIMITED  
PARTNERSHIP,  
Respondents.

No. 78949-COA

**FILED**

JUL 30 2020

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

*ORDER OF AFFIRMANCE*

Jason L. Lopez appeals from a district court order granting summary judgment in a civil matter. Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

In the proceedings below, appellant Jason Lopez filed suit against respondents and additional defendants below Cameron Gonzales, Dana McClanahan, and Robert Nelson, after a similar complaint filed against the additional defendants was dismissed. In the instant complaint, Lopez added respondents Lance Maningo, and his law firm, Bellon and Maningo, along with additional claims for relief. Maningo and the firm Bellon and Maningo (hereinafter collectively referred to as Maningo) filed a motion to dismiss, or in the alternative, for summary judgment and for an order declaring Lopez a vexatious litigant. After a hearing on the motion, and over Lopez's objection, the district court granted the motion, declaring

Lopez a vexatious litigant and granting summary judgment in favor of Maningo.

Lopez then appealed and this court entered an order reversing and remanding in part. *See Lopez v. Maningo*, Docket No. 73418-COA (Order Affirming in Part, Reversing in Part and Remanding June 21, 2018). Following this court's order of remand, respondents set the matter for further proceedings and Lopez apparently submitted additional motions seeking to set them on an order shortening time. After a hearing, the district court made additional findings, entered an order pursuant to this court's remand order in Docket No. 73418-COA, and declined to sign Lopez's order shortening time. This appeal followed.

On appeal, Lopez challenges the district court's grant of summary judgment, asserting that the court incorrectly determined Lopez failed to produce evidence to support his claims and that the court failed to provide him sufficient notice of the hearing on further proceedings after remand. This court reviews a district court's order 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.* But general allegations and conclusory statements do not create genuine issues of fact.

*Wood*, 121 Nev. at 731, 121 P.3d at 1030-31. Instead, “to defeat summary judgment, the nonmoving party must transcend the pleadings and, by affidavit or other admissible evidence, introduce specific facts that show a genuine issue of material fact.” *Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 134 (2007).

Here, Lopez challenges the district court’s conclusion that he failed to present any admissible evidence to support his bare allegations against respondents. Although Lopez alleges that the district court failed to consider the evidence he provided by way of the numerous exhibits attached to his complaint, our review of the record demonstrates that the district court considered all of the exhibits Lopez provided, indicated on the record that it had reviewed the entire record, and considered Lopez’s additional arguments regarding those exhibits at the hearing. Indeed, at the hearing, the district court took the matter under advisement to go back through the exhibits before issuing its decision. And our review of the record supports the district court’s conclusion that Lopez failed to provide admissible evidence supporting his claims against respondents.<sup>1</sup> *See Cuzze*, 123 Nev. at 603, 172 P.3d at 134. Similarly, Lopez’s general allegations

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<sup>1</sup>Although Lopez seems to also assert that the district court abused its discretion in determining his exhibits were inadmissible, he has failed to provide any cogent argument demonstrating the same. *See Edwards v. Emperor’s Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (stating that this court need not consider claims that are not cogently argued).

against respondents, even if sworn to in an affidavit, are insufficient to defeat summary judgment. *See Wood*, 121 Nev. at 731, 121 P.3d at 1030-31. Thus, we discern no error in the district court's grant of summary judgment.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

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<sup>2</sup>To the extent Lopez contends that the district court did not give him sufficient notice of the proceedings, Lopez failed to raise that argument below and it is therefore waived. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) ("A point not urged in the trial court . . . is deemed to have been waived and will not be considered on appeal.").

Insofar as Lopez raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.

cc: Hon. Valerie Adair, District Judge  
Jason L. Lopez  
Maningo Law  
Eighth District Court Clerk