

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LINDSEY LICARI, AN INDIVIDUAL,
Appellant,
vs.
NIKKI SIKALIS BOTT, AN
INDIVIDUAL; AND NATIONAL TITLE
CO., A NEVADA CORPORATION,
Respondents.

No. 81942-COA

FILED

MAR 28 2022

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

ORDER OF AFFIRMANCE

Lindsey Licari appeals a district court order granting summary judgment in a tort action. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

This matter concerns the alleged forgery and improper notarization of a grant, bargain and sale deed conveying Lindsey Licari's interest in real property located at 9564 Scorpion Track Court, Las Vegas, Nevada 89178 to her then-husband Bobby Dee Antee. This property was the main marital asset in Lindsey and Bobby's district court divorce proceeding. In the divorce case, Lindsey contended that she never signed the subject deed, and alleged that respondent Nikki Sikalis Bott, in her capacity as a notary public and escrow agent on the sale, either forged Lindsey's signature on the deed and improperly notarized it, or knowingly notarized the deed with a false signature. Lindsey further alleged that Bobby improperly used a portion of the \$62,000 down payment (paid through Lindsey's separate property funds) to pay off \$8,374 in student loans while the property was in escrow.

While the divorce case was ongoing, Lindsey filed the instant complaint against Bott and National Title Co. (collectively respondents), alleging that Bott, acting as an agent of National Title, fraudulently notarized the grant, bargain and sale deed containing Lindsey's forged or false signature and that National Title knew of this transaction and allowed Bobby to pay off approximately \$8,603 of student loans using escrow proceeds without Lindsey's knowledge.

Meanwhile, in the divorce proceeding, the district court entered a divorce decree. As relevant here, the district court judge determined in the decree that Lindsey and Bobby had agreed to purchase a home, that Bobby would be the party on the mortgage, and that Lindsey would supply the down payment on the home. In line with these findings, the district court also found that while Lindsey was not on the loan documents (as she did not apply for the loan), Lindsey knew Bobby would need to pay off his student loans in order to qualify for the loan, and despite that knowledge, still wired the down payment for the property. Additionally, the district court heard testimony and received evidence concerning the alleged forgery of the grant, bargain and sale deed and concluded that the deed was authentically signed by Lindsey and not forged.

Almost immediately thereafter, respondents in this case filed a motion for summary judgment, arguing that given the district court's ruling in the divorce case, the doctrine of issue preclusion should apply to bar Lindsey's claims in the instant case. Lindsey, acting pro se, filed an opposition to the motion. However, that opposition did not contain arguments related to respondents' allegations that issue preclusion applied, but rather focused on the same allegations regarding the subject transaction that Lindsey had advanced in the divorce case. The district

court held a telephonic hearing on the matter and subsequently entered a written order granting summary judgment on the basis of issue preclusion. Lindsey now appeals.


On appeal, Lindsey appears to assert that issue preclusion should not apply as the divorce decree was purportedly invalid, and because Bott and National Title did not appear in the divorce case.¹ However, Lindsey failed to raise these issues in her written papers below, and therefore we will not consider these arguments on appeal. *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, unless it goes to the jurisdiction of that court, is deemed to have been waived and will not be considered on appeal.”). Similarly, although Lindsey requested transcripts in this case, she has failed to file them with this court, precluding appellate review of any oral arguments she may have made at the hearing. *See* NRAP 9(b)(1)(B) (requiring pro se litigants, who request transcripts and have not been granted in forma pauperis status, to file a copy of their completed transcript with the clerk of court); *Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007) (holding that appellant is responsible for making an adequate record on appeal and when “appellant fails to include necessary documentation in the record, we necessarily presume that the

¹Lindsey includes several other requests for relief in her appeal, including seeking the appointment of pro bono counsel, the arrest of several parties, including Bobby’s attorney, and the disbaring of all attorneys associated with this case. However, there is no Sixth Amendment right to appointed counsel in civil proceedings, and Lindsey has not demonstrated that the appointment of counsel is otherwise warranted in this case. *See Rodriguez v. Eighth Judicial Dist. Court*, 120 Nev. 798, 102 P.3d 41 (2004). As to her other requests, Lindsey has failed to demonstrate that relief is warranted, and we therefore deny those requests.

missing portion supports the district court's decision"). In light of these circumstances, we necessarily affirm the district court's grant of summary judgment in this case.

It is so ORDERED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Chief Judge, Eighth Judicial District Court
Eighth Judicial District Court, Department Eleven
Lindsey Licari
Lipson Neilson P.C.
Eighth District Court Clerk

²Insofar as Lindsey raises additional 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.