


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CARSON TAHOE HEALTH SYSTEM;  
AND GALLAGHER BASSETT  
SERVICES, INC.,  
Appellants,  
vs.  
STEPHEN YASMER,  
Respondent.

No. 83686-COA

**FILED**

AUG 03 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Carson Tahoe Health System (CTHS) and Gallagher Bassett Services, Inc. (GBS), appeal from a district court order dismissing a petition for judicial review in a workers' compensation matter. Second Judicial District Court, Washoe County; Barry L. Breslow, Judge.

Respondent Stephen Yasmer sought workers' compensation benefits in connection with an injury sustained while working for CTHS in Carson City. When CTHS's third-party administrator, GBS, denied Yasmer's claim, he timely appealed the decision. Ultimately, an appeals officer reversed the decision and ordered GBS to accept the claim. Although the administrative proceedings took place in Carson City, appellants filed a petition for judicial review in the Second Judicial District Court in Washoe County. Yasmer later filed a motion to dismiss the petition, contending the district court lacked jurisdiction to consider it under NRS 233B.130(2)(b)

because appellants failed to file it in Carson City. The district court agreed, dismissed the petition, and this appeal followed.

We review the district court's interpretation of NRS 233B.130(2) in this matter de novo. *Liberty Mut. v. Thomasson*, 130 Nev. 27, 32, 317 P.3d 831, 835 (2014). NRS 233B.130(2) requires that a petition for judicial review of an administrative decision "[b]e instituted by filing a petition in the district court in and for Carson City, in and for the county in which the aggrieved party resides or in and for the county where the agency proceeding occurred." Because this requirement is mandatory and jurisdictional, failure to comply with it requires dismissal of the petition. *Thomasson*, 130 Nev. at 32, 317 P.3d at 835. For purposes of the statute, "a corporation's place of residence is that which is listed as the principal place of business in its articles of incorporation." *Id.* at 33, 317 P.3d at 836. Moreover, "a foreign corporation cannot have a fixed residence in any Nevada county." *Id.* at 34, 317 P.3d at 836.

Here, appellants concede that the district court lacked jurisdiction to consider the petition insofar as it was filed by GBS, as it is a foreign corporation and did not file the petition in Carson City. However, they contend that jurisdiction was proper with respect to CTHS, a domestic corporation, because it is a "comprehensive healthcare network . . . with twenty-one regional locations, including two in Washoe County," such that it "is intrinsically interconnected with Washoe County." But CTHS failed to provide its articles of incorporation to the district court to allow it to determine CTHS's place of residence as defined by our supreme court in *Thomasson*, see *id.* at 33, 317 P.3d at 836, and appellants otherwise fail to

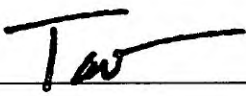
offer any explanation or authority in support of the notion that merely having two locations in Washoe County renders CTHS a resident thereof for purposes of NRS 233B.130(2)(b). *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that the appellate courts need not consider claims unsupported by cogent argument or relevant authority). Accordingly, appellants have failed to demonstrate that the district court erred in determining that, because CTHS's officers and directors are registered with the Secretary of State at a Carson City address, and because CTHS failed to prove or even allege that Washoe County is its principal place of business, it was required to file its petition in Carson City to invoke the district court's jurisdiction. *See Thomasson*, 130 Nev. at 32-33, 317 P.3d at 835-36.

Appellants further contend that jurisdiction was proper because proceeding in Washoe County would in no way prejudice Yasmer, that Yasmer should be estopped from challenging jurisdiction because he filed responsive pleadings in the district court, and that public policy favors deciding cases on the merits. Again, appellants fail to cite any authority in support of these contentions or cogently explain how they could possibly overcome the failure to satisfy jurisdictional prerequisites. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38; *see also Vaile v. Eighth Judicial Dist. Court*, 118 Nev. 262, 276, 44 P.3d 506, 515-16 (2002) (providing that subject matter jurisdiction cannot be waived), *abrogated on other grounds by Senjab v. Alhulaibi*, 137 Nev., Adv. Op. 64, 497 P.3d 618, 620 (2021); *cf. Seino v. Emp'rs Ins. Co. of Nev.*, 121 Nev. 146, 153, 111 P.3d 1107, 1112 (2005) (rejecting appellant's appeal to equity in attempting to circumvent a

mandatory and jurisdictional time limitation). Accordingly, appellants have failed to demonstrate that reversal is warranted, and we affirm the district court's decision to dismiss the petition for judicial review for lack of jurisdiction.

It is so ORDERED.<sup>1</sup>

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

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

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

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<sup>1</sup>In addition to arguing for affirmance, Yasmer contends in his answering brief that we should quash the district court's order staying the appeals officer's decision pending the outcome of this appeal, which the district court entered after appellants filed their notice of appeal. But that matter is not properly before us. *See Arnold v. Kip*, 123 Nev. 410, 416-17, 168 P.3d 1050, 1054 (2007) (concluding that an order was properly part of the record on appeal because it was filed before the appellants filed their notice of appeal); *Carson Ready Mix, Inc. v. First Nat'l Bank of Nev.*, 97 Nev. 474, 476, 635 P.2d 276, 277 (1981) ("We cannot consider matters not properly appearing in the record on appeal."); *see also Cashman Equip. Co. v. W. Edna Assocs., Ltd.*, 132 Nev. 689, 693 n.2, 380 P.3d 844, 847 n.2 (2016) (rejecting respondents' attempts to obtain affirmative relief in an answering brief). Nevertheless, nothing herein precludes Yasmer from seeking relief from the stay in district court in light of our disposition.

cc: Hon. Barry L. Breslow, District Judge  
David Wasick, Settlement Judge  
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas  
Nevada Attorney for Injured Workers/Carson City  
Washoe District Court Clerk