IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT G. REYNOLDS, AN INDIVIDUAL, Appellant, vs. RAFFI TUFENKJIAN, AN INDIVIDUAL; AND LUXURY HOLDINGS LV, LLC, A NEVADA LIMITED LIABILITY COMPANY, Respondents.	No. 84000
ROBERT G. REYNOLDS, AN INDIVIDUAL, Appellant, vs. RAFFI TUFENKJIAN, AN INDIVIDUAL; AND LUXURY HOLDINGS LV, LLC, A NEVADA LIMITED LIABILITY COMPANY, Respondents.	No. 84413

ORDER OF AFFIRMANCE

These are pro se consolidated appeals from a district court judgment and a postjudgment order awarding attorney fees and costs in a contract matter. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.[1] The underlying dispute arises from the sale of a jewelry store and purchaser/appellant Robert G. Reynolds' subsequent lawsuit against sellers/respondents Raffi Tufenkjian and Luxury Holdings LV, LLC.

[1]Having considered the pro se brief filed by appellant, we conclude that a response is not necessary, NRAP 46A(c), and that oral argument is not warranted, NRAP 34(f)(3). These appeals therefore have been decided based on the pro se brief and the record. *Id.*

We first conclude that the record supports the district court's finding that Reynolds failed to demonstrate justifiable reliance for his intentional misrepresentation claims. *See Wells Fargo Bank, N.A. v. Radecki*, 134 Nev. 619, 621, 426 P.3d 593, 596 (2018) (holding that we will not disturb the district court's findings if they are supported by substantial evidence); *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 242 (2007) (defining substantial evidence as that which "a reasonable person may accept as adequate to sustain a judgment"). In particular, the record reflects that Reynolds was a sophisticated individual, given Reynolds' testimony that he had years of experience in construction and supervising, purchasing, and investing in projects worth millions of dollars. Reynolds further testified that he had experience with due diligence in purchasing a business, given that he previously purchased a hotel for $3 million, in which he reviewed the business's financial records with the assistance of an outside bookkeeper. Reynolds also testified that he did not hire any professionals "to assist in his due diligence" here, despite the sale brochure stating that it would be "the responsibility of the Buyer with the aid of an accountant and/or attorney, if necessary, to independently verify all representations which have been made by the Seller, particularly as they relate to the adjustments made to the profit and loss statements." And various witnesses testified that Reynolds had free access to the store during the due diligence period, with the opportunity to monitor foot traffic, review inventory, and access the jewelry business's point of sale system.

Reynolds also testified that, during the due diligence period, he concluded that respondent Tufenkjian was lying and untrustworthy and that the figures in the sale brochure were inaccurate, but that he believed the business was viable even if Tufenkjian provided no accurate

information. Indeed, he testified that upon visiting the jewelry store, he noticed that there was little foot traffic and further testified that he did not receive the tax returns he repeatedly requested. Tufenkjian and Luxury Holdings also impeached Reynolds with his deposition testimony that during the due diligence period he understood that the numbers were "everywhere" and that he had "alarms going off in [his] head," when Reynolds testified that he did not have concerns about purchasing the business until after conducting discovery. This evidence shows that Reynolds decided to proceed with the sale despite numerous concerns with the accuracy of the information provided by Tufenkjian and Luxury Holdings. Reynolds therefore failed to show justifiable reliance, an element of his intentional misrepresentation claim. *See Pac. Maxon, Inc. v. Wilson*, 96 Nev. 867, 870, 619 P.2d 816, 817 (1980) (holding that a "[l]ack of justifiable reliance bars recovery in an action at law for damages for the tort of deceit"); *see also Collins v. Burns*, 103 Nev. 394, 397, 741 P.2d 819, 821 (1987) (setting out the test for justifiable reliance in an intentional misrepresentation claim as "whether the recipient has information which would serve as a danger signal and a red light to any normal person of [their] intelligence and experience").

To the extent Reynolds challenges the seizure of the jewelry business's inventory as part of the writ of execution and subsequent sheriff's sale, this argument does not warrant relief. Reynolds is appearing pro se and cannot challenge the seizure because the writ of execution was directed to Diamanti Fine Jewelers, Inc., the possessor and owner of the inventory. *See Salman v. Newell*, 110 Nev. 1333, 1336, 885 P.2d 607, 608 (1994) (providing that a pro se litigant may represent themselves in court, but that only attorneys may represent companies).

To the extent that Reynolds argues that the presiding judge must be disqualified for implied or actual bias, Reynolds fails to identify any conduct external to the judicial process supporting disqualification or that the presiding judge formed an opinion displaying deep-seated favoritism or antagonism toward Reynolds that would prevent fair judgment. *See Kirksey v. State*, 112 Nev. 980, 1006, 923 P.2d 1102, 1118 (1996) (holding that "[t]he burden is on the party asserting a [disqualification] challenge to establish sufficient facts warranting disqualification"); *Canarelli v. Eighth Judicial Dist. Court*, 138 Nev., Adv. Op. 12, 506 P.3d 334, 337 (2022) (explaining standards for disqualifying a judge based on bias stemming from an extrajudicial source and bias originating from the judge's performance of judicial duties). And both the presiding judge and opposing counsel, with whom Reynolds also takes issue, are immune from liability arising from their conduct in the course of judicial proceedings. *See Briscoe v. LaHue*, 460 U.S. 325, 334-35 (1983) (holding that "state judges are absolutely immune from liability for their judicial acts," and further holding that the common law provides "absolute immunity from subsequent damages liability for all persons—governmental or otherwise—who [are] integral parts of the judicial process"). And to the extent Reynolds argues that opposing counsel should have been disqualified, he fails to demonstrate that he has standing. *See Liapis v. Second Judicial Dist. Court*, 128 Nev. 414, 420, 282 P.3d 733, 737 (2012) (holding that "[t]he party seeking to disqualify bears the burden of establishing that it has standing to do so," and outlining the limited instances where nonclients may bring forth motions to disqualify counsel).

Finally, although Reynolds appealed from the order awarding attorney fees and costs, Reynolds advances no arguments regarding that

order. Reynolds therefore has not demonstrated that any relief is warranted as to that order.

Based on the foregoing, we

ORDER the judgment of the district court and the order awarding attorney fees and costs AFFIRMED.

_____, C.J.
Stiglich

_____, J.
Lee

_____, J.
Bell

cc: Hon. Mark R. Denton, District Judge
Lansford W. Levitt, Settlement Judge
Robert G. Reynolds
Marquis Aurbach Chtd.
Eighth District Court Clerk