

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JULIUS BRADFORD,
Appellant,

vs.

JOSHUA D. OWENS, ARCHIVIST; AND
THE STATE OF NEVADA LIBRARY
ARCHIVES AND PUBLIC RECORDS,
Respondents.

No. 85295-COA

FILED

AUG 11 2023

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Julius Bradford appeals from a district court order granting summary judgment in favor of the respondents. Eighth Judicial District Court, Clark County; Joseph Hardy, Jr., Judge.

Bradford filed an amended complaint alleging that he was entitled to monetary damages under 11 causes of action, all based upon the respondents' failure to timely provide him with certified copies of documents in the possession of the State of Nevada Library, Archives, and Public Records. Bradford acknowledged that he received uncertified copies of the requested documents but contended that he wished to utilize certified copies in an otherwise unrelated legal action. Following discovery, the respondents moved for summary judgment and Bradford moved for partial summary judgment. The district court ultimately granted respondents summary judgment, concluding that no genuine dispute of material fact remained and that the respondents were entitled to judgment as a matter of law. In so doing, the court denied Bradford's motion for partial summary judgment. This appeal followed. On appeal, Bradford argues that the

district court erred by granting the respondents' motion for summary judgment.

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 dispute 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.* General allegations and conclusory statements do not create genuine disputes of fact. *Id.* at 731, 121 P.3d at 1030-31.

First, Bradford argues that the district court erred by finding that the respondents were entitled to summary judgment concerning his allegations of negligence. "To prevail on a negligence claim, a plaintiff must establish four elements: (1) the existence of a duty of care, (2) breach of that duty, (3) legal causation, and (4) damages." *Sanchez ex rel. Sanchez v. Wal-Mart Stores, Inc.*, 125 Nev. 818, 824, 221 P.3d 1276, 1280 (2009) (internal quotation marks omitted). The evidence established that the respondents provided Bradford with uncertified documents and that Bradford acknowledged that he was able to utilize those documents in his other legal action. In light of those facts, Bradford did not establish that he suffered an injury related to any failure to provide him with certified documents in a timely manner. Therefore, the district court did not err in granting summary judgment on this claim.

Second, Bradford argues that the district court erred by finding that the respondents were entitled to summary judgment concerning his assertion that they were liable based on negligence per se because NRS

239.030 required them to furnish him with the requested certified documents.

Bradford pleaded negligence per se as a separate cause of action from negligence. “[H]owever, [negligence per se] is not a separate cause of action, but rather a method of establishing the duty and breach elements of a negligence claim.” *Munda v. Summerlin Life & Health Ins. Co.*, 127 Nev. 918, 922 n.3, 267 P.3d 771, 774 n.3 (2011). Bradford based his negligence per se allegations upon the same facts as his negligence allegations, and therefore his “general negligence and negligence per se theories . . . necessarily stand or fall together.” *Cervantes v. Health Plan of Nev., Inc.*, 127 Nev. 789, 793 n.4, 263 P.3d 261, 264 n.4 (2011). And as explained previously, the facts established that Bradford received uncertified documents that he was able to utilize in his other legal action. Accordingly, Bradford was unable to demonstrate an injury related to any failure to provide him with certified documents in a timely manner and thus, the district court properly granted summary judgment.

Third, Bradford argues that the district court erred by finding that the respondents were entitled to summary judgment concerning his claim of negligent training and supervision. “To state a claim for negligent training and supervision in Nevada, [Bradford] must show (1) a general duty on the employer to use reasonable care in the training and/or supervision of employees to ensure that they are fit for their positions; (2) breach; (3) injury; and (4) causation.” *Okeke v. Biomat USA, Inc.*, 927 F. Supp. 2d 1021, 1028 (D. Nev. 2013) (internal quotation marks omitted); see also *Freeman Expositions, LLC v. Eighth Judicial Dist. Court*, 138 Nev., Adv. Op. 77, 520 P.3d 803, 811 (2022) (discussing the test for negligent training and supervision). As explained previously, Bradford did not

demonstrate injury related to any failure to provide him with certified documents in a timely manner. Bradford thus failed to demonstrate that the district court erred in granting summary judgment on his negligent training and supervision claim.

Fourth, Bradford argues that the district court erred by finding he did not have a property interest in obtaining certified copies of the public documents and that the district court therefore erred by rejecting his claims of trespass and conversion. Bradford appears to assert that he has a right to receive certified copies of public documents pursuant to NRS 239.030 and that right confers a property interest in the requested documents.

As an initial matter, because a trespass claim requires an invasion of a property—typically real property—and no such invasion occurred here, Bradford’s trespass claim necessarily failed. *See Lied v. Clark Cty.*, 94 Nev. 275, 279, 579 P.2d 171, 173-74 (1978) (stating, in addressing a landowner’s trespass claim, that a trespass occurs when a property right has been invaded). As a result, the district court did not err in granting summary judgment on that claim.

Turning to Bradford’s conversion claim, NRS 239.030 provides that an officer that has custody of public records shall furnish certified copies of those records to those that request such records and “pays or tenders such fees as may be prescribed for the service of copying and certifying.” The evidence produced in this matter demonstrated that Bradford did not pay the copying and certifying fee required by the respondents to copy and certify the public records when he made the request for certified copies. Bradford thus did not establish that he had a property interest in the certified copies of the relevant documents. And because a property right is necessary to establish a conversion, *see Evans v. Dean*

Witter Reynolds, Inc., 116 Nev. 598, 606, 5 P.3d 1043, 1048 (2000) (“Conversion is a distinct act of dominion wrongfully exerted over another’s personal property in denial of, or inconsistent with his title or rights therein or in derogation, exclusion, or defiance of such title rights.” (internal quotation marks omitted)), his conversion claim failed. As a result, Bradford failed to demonstrate the district court’s grant of summary judgment in the respondents’ favor concerning Bradford’s allegations of conversion was in error.

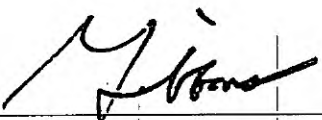
Fifth, Bradford appears to argue that the district court erred by granting summary judgment in favor of the respondents concerning his remaining causes of action: replevin, fraud, nonfeasance, malfeasance, oppression, and respondent superior. Bradford appears to assert that he is entitled to relief because the undisputed facts were not material with respect to the disposition of these issues. However, Bradford fails to provide cogent argument concerning the district court’s conclusions concerning these issues, and therefore, we decline to consider them on appeal. 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).

Finally, Bradford argues that the district court erred by failing to consider the causes of action raised in his supplemental complaint and by failing to enter a default judgment in his favor after the respondents failed to answer the supplemental complaint. Pursuant to NRCP 15(d), “on motion and reasonable notice” the district court may permit a party to file a supplemental pleading under certain circumstances. The district court did not grant Bradford leave to file a supplemental complaint, and Bradford thus fails to demonstrate that it should have considered causes of action

raised in the supplemental complaint, that the respondents were required to answer it, or that he was entitled to a default judgment due to any failure of the respondents to answer the supplemental complaint. Therefore, we conclude that Bradford is not entitled to relief based on this argument.

For the foregoing reasons, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Joseph Hardy, Jr., District Judge
Julius Bradford
Attorney General/Carson City
Eighth District Court Clerk

¹Insofar as Bradford 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.