

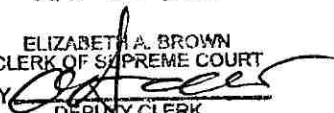
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CEDRIC GREENE,
Appellant,
vs.
7-ELEVEN,
Respondent.

No. 87492-COA

FILED

MAY 30 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Cedric Greene appeals from a district court order dismissing a tort action for lack of personal jurisdiction. Eighth Judicial District Court, Clark County; Anna C. Albertson, Judge.

Greene, a California resident, filed the underlying tort action in the Eighth Judicial District Court against respondent 7-Eleven seeking \$100,000 in damages based on an incident that occurred at a California 7-Eleven store in which several store employees, and one possible employee, allegedly yelled threats at Greene and his wife. The underlying complaint seeks \$100,000 in damages. 7-Eleven¹ subsequently moved to dismiss the action, arguing that it is a California corporation and that personal jurisdiction over it did not exist in the Nevada district courts. Greene

¹As part of its motion to dismiss, 7-Eleven asserted that it was improperly sued as 7-Eleven, and instead should have been named as F&M Premier Marketing, Inc., D/B/A 7-Eleven 2173-39396B. Greene disputed this contention, but nonetheless acknowledged that F&M Premier Marketing was the owner of the 7-Eleven at which the incident underlying his complaint purportedly took place. Although the district court never resolved this issue, we note that Greene's complaint is expressly directed at and names only the specific 7-Eleven franchise that he recognized was owned by F&M Premier Marketing as a defendant.

opposed the motion and, after a hearing at which both parties appeared and presented argument, the court entered an order granting the motion to dismiss. This appeal followed.

We review a district court's resolution of personal jurisdiction issues de novo. *See Baker v. Eighth Jud. Dist. Ct.*, 116 Nev. 527, 531, 999 P.2d 1020, 1023 (2000). "[A] nonresident defendant must have sufficient minimum contacts with the forum state so that subjecting the defendant to the state's jurisdiction will not offend traditional notions of fair play and substantial justice." *Fulbright & Jaworski LLP v. Eighth Jud. Dist. Ct.*, 131 Nev. 30, 36, 342 P.3d 997, 1001 (2015) (internal quotation marks omitted). When a defendant challenges personal jurisdiction, the plaintiff must introduce evidence to make a prima facie showing that personal jurisdiction exists. *Trump v. Eighth Jud. Dist. Ct.*, 109 Nev. 687, 692-93, 857 P.2d 740, 743-44 (1993).

On appeal, Greene fails to address whether personal jurisdiction over 7-Eleven is proper in the Nevada district court. Thus, he has waived any such argument. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that "[i]ssues not raised in an appellant's opening brief are deemed waived"). While Greene spends much of his informal brief addressing the filing restrictions that other jurisdictions have placed on his ability to pursue litigation, his assertions in this regard do not provide any cogent argument that would support Nevada's exercise of jurisdiction over this matter. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006).

Moreover, a review of the district court record demonstrates that, in its motion to dismiss, 7-Eleven challenged Nevada's ability to

exercise personal jurisdiction over it, but in opposing that motion, Greene failed to offer evidence or arguments that would support a prime facie showing that personal jurisdiction was proper in Nevada. *Trump*, 109 Nev. at 692-93, 857 P.2d at 743-44. Under these circumstances, we cannot conclude that the district court erred in dismissing Greene's case for lack of personal jurisdiction. *See Baker*, 116 Nev. at 531, 999 P.2d at 1023. Accordingly, we affirm the district court's dismissal of Greene's complaint.²

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Anna C. Albertson, Judge
Cedric Greene
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Eighth District Court Clerk

²Insofar as Greene raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.