

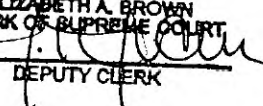
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CEDRIC GREENE,
Appellant,
vs.
GLOBAL CARE MEDICAL GROUP,
Respondent.

No. 87696-COA

FILED

JUL 12 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Cedric Greene appeals from a district court order dismissing his complaint for failure to perfect service of process in an intentional tort action. Eighth Judicial District Court, Clark County; Jacob A. Reynolds, Judge.

Greene initiated the underlying intentional tort action against respondent Global Care Medical Group, a California company, for failure to refer him to a treating specialist and for failing to accurately update his contact information. Greene purported to serve the summons and complaint on Global Care by e-mail through "Goodwill Southern California," and later filed a motion seeking permission to serve Global Care by alternate means, which sought to have the district court validate and approve his prior service attempt. The district court later orally denied Greene's motion for alternate service, noting he had failed to submit an affidavit explaining why service in accordance with NRCP 4 is not an adequate method to serve the complaint. The court further noted that Greene had not served his summons and complaint and that the 120-day time period to do so had expired. As a result, the district court directed

Greene to show cause why his complaint should not be dismissed for failure to serve and set a hearing on that issue.

Greene subsequently filed a motion requesting a venue change for his case, noting, among other things, that the request for alternative service had not been granted. However, Greene did not file a response to the court's show cause order or otherwise submit anything to argue that his case should not be dismissed on service grounds. Thereafter, the district court held the show cause hearing and later entered an order dismissing Greene's complaint for failure to serve. In so doing, the district court noted that no one had appeared at the show cause hearing. This appeal followed.

We review the dismissal of a case for failure to effect timely service of process for an abuse of discretion. *Moroney v. Young*, 138 Nev., Adv. Op. 76, 520 P.3d 358, 361 (2022).

On appeal, Greene's informal brief fails to address the propriety of the service-based reason for the dismissal of his case. Instead, he argues that the district court should have granted his request for a venue change and transferred the case to another judicial district. And given that Greene failed to address the actual basis on which his case was dismissed, he has waived any challenge to that determination.¹ *See Powell v. Liberty Mut.*


¹To the extent that Greene summarily asserts, in a "declaration" incorporated into the notice of appeal he filed in district court, that he did timely serve the complaint, but the district court "didn't wish to accept the manner that it was served," his attempt to present arguments in this fashion is not proper. *Cf.* NRAP 28(e)(2) (providing that parties' appellate briefs shall not incorporate district court filings by reference or refer the appellate courts to such filings for the merits of their appellate arguments). Moreover, given that Greene failed to raise this assertion in response to the district court's show cause order, any argument in this regard is waived. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981)

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”).

Thus, we affirm the district court’s dismissal of Greene’s complaint.

It is so ORDERED.²


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Jacob A. Reynolds, District Judge
Cedric Greene
Global Care Medical Group
Eighth District Court Clerk

(“A point not urged in the trial court . . . is deemed to have been waived and will not be considered on appeal.”).

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.