


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RODNEY MOTT, AN INDIVIDUAL,
Appellant,
vs.
TRINITY FINANCIAL SERVICES, LLC,
A LIMITED LIABILITY COMPANY,
Respondent.

No. 86745-COA

FILED
AUG 02 2024
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Rodney Mott appeals from an order of the district court granting respondent Trinity Financial Services, LLC's (Trinity) motion to dismiss in a quiet title action. Eighth Judicial District Court, Clark County; Jacob A. Reynolds, Judge.

Mott filed a complaint seeking to quiet title to a residential property in his favor. He also requested injunctive relief concerning the sale of that property. In support of his claims, Mott alleged that he was the rightful owner of the property but that Trinity improperly foreclosed on a deed of trust. Mott contended that any debt secured by that deed of trust had been forgiven. Mott further contended that Trinity purchased the property at the subsequent foreclosure sale. However, Mott asserted that both the foreclosure and resulting sale were invalid. Mott therefore sought an order quieting title in his favor and injunctive relief preventing Trinity from attempting to sell the property.

Trinity thereafter filed a motion to dismiss Mott's complaint based on the doctrine of claim preclusion. Trinity contended that Mott filed

a civil action in federal court, that it was a defendant in that action, and that Mott raised substantially similar claims in that proceeding. Trinity further asserted that the federal district court granted summary judgment in its favor and the United States Court of Appeals for the Ninth Circuit thereafter affirmed the federal district court's order on appeal. Trinity filed the federal court orders with its motion to dismiss. Based on the aforementioned information, Trinity urged the district court to dismiss this matter based on claim preclusion.

Mott opposed the motion to dismiss and contended that the federal court case was wrongly decided. Mott also argued that his underlying claims had merit. Trinity thereafter filed a reply in support of its motion to dismiss.

The district court subsequently issued a written order granting Trinity's motion to dismiss. The court noted that Mott urged it to grant him relief from the federal court's decision but explained that state court was not the appropriate venue for Mott to challenge the federal court's decision. Ultimately, the court agreed with Trinity that Mott's claims were barred by the doctrine of claim preclusion and it therefore granted Trinity's motion to dismiss.¹ This appeal followed.

¹In making this decision, the district court took judicial notice of the federal court order granting summary judgment on Mott's federal court claims. *See Mack v. Est. of Mack*, 125 Nev. 80, 91-92, 206 P.3d 98, 106 (2009) (noting an exception to the general rule against taking judicial notice of records in another case where the closeness of the cases and the particular circumstances warranted it). A district court may consider matters outside the pleadings under certain circumstances without converting a motion to dismiss to one for summary judgment, *see Engelson v. Dignity Health*, 139

First, Mott argues that the district court erred by granting Trinity's motion to dismiss. Mott contends that the federal court case was improperly decided, and he asserts that the Nevada state court should have reviewed the merits of his underlying claims.

We rigorously review a district court order granting an NRCP 12(b)(5) motion to dismiss, accepting all of the plaintiff's factual allegations as true and drawing every reasonable inference in the plaintiff's favor to determine whether the allegations are sufficient to state a claim for relief. *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008). A complaint should be dismissed for failure to state a claim "only if it appears beyond a doubt that [the plaintiff] could prove no set of facts, which, if true, would entitle [the plaintiff] to relief." *Id.* at 228, 181 P.3d at 672.

In addition, "[a] district court's decision as to claim preclusion is reviewed de novo." *Holland v. Anthony L. Barney, Ltd.*, 139 Nev., Adv. Op. 49, 540 P.3d 1074, 1084 (Ct. App. 2023). "Claim preclusion aims to achieve finality by preventing another lawsuit based on the same facts as in an initial suit." *Id.* Claim preclusion "applies when (1) the parties or

Nev., Adv. Op. 58, 542 P.3d 430, 436 (Ct. App. 2023) (stating "a court may properly consider matters of public record, orders, items present in the record of the case, and any exhibits attached to the complaint when ruling on such a motion" (internal quotation marks omitted)), and on appeal, Mott does not challenge the district court's consideration of those orders in granting Trinity's motion to dismiss. Thus, any such challenge has been waived. *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").

their privies are the same, (2) the final judgment is valid, and (3) the subsequent action is based on the same claims or any part of them that were or could have been brought in the first case.” *Id.* (quoting *Five Star Cap. Corp. v. Ruby*, 124 Nev. 1048, 1054, 194 P.3d 709, 713 (2008)).

Here, the parties are the same, as Mott was the plaintiff in the federal court action and Trinity was a defendant. In addition, the federal district court decided Mott’s claims on the merits and entered judgment in favor of Trinity, and the federal district court’s decision was affirmed by the Ninth Circuit. *See id.* (stating “the parties are bound by matters decided after a competent court has entered a final judgment on the merits”). Finally, the state court action is based on claims that were raised in the earlier case or could have been raised in that matter. *See id.* at 1085 (noting “claim preclusion bars claims that were or could have been raised in the prior action between the same parties” and stating that a claim for quiet title could have been brought in an earlier matter that challenged ownership of real property (emphasis omitted)).

In light of the foregoing, we conclude that the doctrine of claim preclusion bars Mott’s action. Accordingly, the district court did not err by granting Trinity’s motion to dismiss on this basis. *See Buzz Stew, LLC*, 124 Nev. at 227-28, 181 P.3d at 672.

Second, Mott argues that the district court deprived him of due process by dismissing his case without conducting a hearing. “Due process is satisfied where interested parties are given an opportunity to be heard at a meaningful time and in a meaningful manner.” *Mesi v. Mesi*, 136 Nev. 748, 750, 478 P.3d 366, 369 (2020) (internal quotation marks omitted). “When a district court rules on a dispositive motion, the district court must

therefore provide a meaningful opportunity to be heard.” *Id.* Due process may be satisfied through a live hearing but parties may also have a meaningful opportunity to present their case through presentation of affidavits, supporting documents, and motions. *Id.*; *see also* EDCR 2.23(c) (stating a district court “may consider [a] motion on its merits at any time with or without oral argument, and grant or deny it”).

Here, Mott filed a written opposition to Trinity’s motion to dismiss and, in that opposition, Mott presented lengthy argument as to why he believed the district court should deny Trinity’s motion. The district court’s written order stated that the court reviewed Mott’s opposition and it referenced Mott’s arguments contained therein. As the record demonstrates, Mott had a meaningful opportunity to present his opposition to Trinity’s motion to dismiss. Thus, Mott fails to demonstrate that the district court violated his right to due process by granting Trinity’s motion to dismiss without conducting a hearing. Accordingly, this argument does not provide a basis for relief.

Finally, Mott argues that the district court judge was biased against him and should have been disqualified from this matter. Mott alleged the judge knew Trinity’s attorney as the judge had previously worked at the same firm and contended that the judge should have been disqualified based on the working relationship with Trinity’s attorney.

We conclude that relief is unwarranted on this point because Mott has not demonstrated that the court’s determinations in the underlying case were based on knowledge acquired outside of the proceedings and the court’s decision does not otherwise reflect “a deep-seated favoritism or antagonism that would make fair judgment

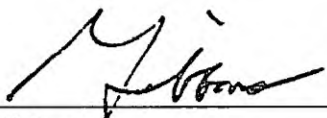
impossible.” *Canarelli v. Eighth Jud. Dist. Ct.*, 138 Nev. 104, 107, 506 P.3d 334, 337 (2022) (internal quotation marks omitted) (explaining that unless an alleged bias has its origins in an extrajudicial source, disqualification is unwarranted absent a showing that the judge formed an opinion based on facts introduced during official judicial proceedings and which reflects deep-seated favoritism or antagonism that would render fair judgment impossible); see *In re Petition to Recall Dunleavy*, 104 Nev. 784, 789, 769 P.2d 1271, 1275 (1988) (providing that rulings made during official judicial proceedings generally “do not establish legally cognizable grounds for disqualification”); see also *Rivero v. Rivero*, 125 Nev. 410, 439, 216 P.3d 213, 233 (2009) (stating that the burden is on the party asserting bias to establish sufficient factual grounds for disqualification), *overruled on other grounds by Romano v. Romano*, 138 Nev. 1, 6, 501 P.3d 980, 984 (2022), *abrogated in part on other grounds by Killebrew v. State ex rel. Donohue*, 139 Nev., Adv. Op. 43, 535 P.3d 1167, 1171 (2023).

Moreover, Mott’s allegation that the district court judge knew Trinity’s counsel, taken alone, does not demonstrate the extreme showing of personal bias that would have warranted disqualification of the district court judge in this matter. See *Millen v. Eighth Jud. Dist. Ct.*, 122 Nev. 1245, 1254-55, 148 P.3d 694, 701 (2006) (stating “disqualification for personal bias requires an extreme showing of bias that would permit manipulation of the court and significantly impede the judicial process and the administration of justice” (brackets and internal quotation marks omitted)); see also *City of Las Vegas Downtown Redevelopment Agency v. Hecht*, 113 Nev. 632, 635, 940 P.2d 127, 128 (1997) (“This court has consistently held that the attitude of a judge toward the attorney for a party


is largely irrelevant.”); *Legal Ethics, Law. Deskbk. Prof. Resp.* § 10.2-2.11 (2023-2024 ed.) (“A long series of cases reflect the principle that the mere fact that the judge is a good friend and close friend of a lawyer does not, by that fact alone, require disqualification.”). Therefore, Mott’s argument in this regard does not provide a basis for relief.

Accordingly, for the reasons set forth above, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Jacob A. Reynolds, District Judge
Rodney Mott
Hutchison & Steffen, LLC/Las Vegas
Eighth District Court Clerk

²Insofar as Mott 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.