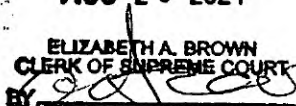


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CEDRIC GREENE,
Appellant,
vs.
EASTSIDE ORTHOPEDIC MEDICAL
ASSOCIATES,
Respondent.

No. 87735-COA

FILED
AUG 26 2024
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Cedric Greene appeals from a district court order denying his motion to change the place of trial and granting respondent's motion to dismiss in a tort action. Eighth Judicial District Court, Clark County; Maria A. Gall, Judge.

Greene initiated the underlying tort action against respondent Eastside Orthopedic Medical Associates based on Eastside Orthopedic's alleged decision not to take him on as a patient and its failure to promptly communicate that fact to him. Eventually, counsel for respondent appeared in the action and moved to dismiss the case on various grounds, including failure to state a claim, lack of personal jurisdiction over Eastside Orthopedic, and failure to perfect service of process. Greene did not oppose the motion to dismiss.

For his part, Greene filed a motion to change the place of trial based on allegations of bad customer service and delayed filings. Although this motion was filed one day after the motion to dismiss, it was received two days before Eastside Orthopedic's motion to dismiss was filed.

The district court subsequently entered an order granting the motion to dismiss. The dismissal order noted that Eastside Orthopedic

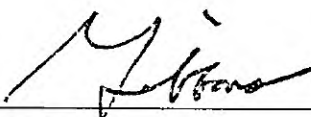
served its motion on October 18, 2023, and that Greene never filed any opposition to that motion. As a result, the court dismissed the case based on Greene's failure to oppose the motion. The district court also denied the motion to change the place of trial, both because of its decision to dismiss the case and because the motion was not served on counsel for Eastside Orthopedic. Greene now appeals.

Generally, we review a district court order granting a motion to dismiss de novo. *Dezzani v. Kern & Assocs., Ltd.*, 134 Nev. 61, 64, 412 P.3d 56, 59 (2018). However, we review a district court's decision to grant a motion for failure to oppose for an abuse of discretion. *King v. Cartlidge*, 121 Nev. 926, 926-27, 124 P.3d 1161, 1162 (2005); *see also Las Vegas Fetish & Fantasy Halloween Ball, Inc. v. Ahern Rentals, Inc.*, 124 Nev. 272, 278 & n.15, 182 P.3d 764, 768 & n.15 (2008) (reviewing, under an abuse of discretion standard, a district court decision to grant a motion pursuant to the district court rules based on a party's failure to oppose the motion).

Here, Greene failed to oppose Eastside Orthopedic's motion to dismiss, and the district court dismissed Greene's complaint based on EDCR 2.20(e), which provides that the "[f]ailure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same." On appeal, Greene fails to substantively address the district court's basis for dismissing his case or otherwise provide cogent argument suggesting that dismissal was improper. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that issues an appellant does not raise on appeal are waived); *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that this court need not consider an appellant's argument that

is not cogently argued). As a result, we necessarily affirm the district court's decision.

It is so ORDERED.¹


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Maria A. Gall, District Judge
Cedric Greene
John H. Cotton & Associates, Ltd.
Eighth District Court Clerk

¹Insofar as Greene raises arguments that are not specifically addressed in this order, including any arguments challenging the denial of his request to change the place of trial, we have considered the same and conclude that they do not present a basis for relief.