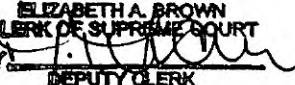


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALLANNA WARREN,
Appellant,
vs.
SPARKS POLICE DEPARTMENT,
WASHOE COUNTY JAIL, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT, OFFICER GINGER
MILLER,
Respondents.¹

No. 87289-COA

FILED
AUG 27 2024
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Allanna Warren appeals from a district court order granting a motion to dismiss in a civil action. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge, and Egan K. Walker, Judge.

Warren filed a complaint in the Eight Judicial District Court in which she raised several causes of action concerning her arrest by employees of the Sparks Police Department (SPD) and the conditions she faced while held in custody at the Washoe County Detention Facility. SPD thereafter moved for a change of venue because the alleged acts occurred in Washoe County and the district court granted that motion. As a result, this matter was transferred to the Second Judicial District Court.

¹We direct the clerk of this court to amend the caption on this court's docket to conform with the caption on this order.

Warren filed a first amended complaint in which she named the "Washoe County Jail" and individual officers as defendants. Warren also included additional allegations involving the Las Vegas Metropolitan Police Department (LVMPD) in her complaint and named LVMPD as a defendant.

LVMPD later moved to sever the claims involving it from the underlying case, as it contended the allegations involving it were not related to the allegations involving the other defendants. SPD filed a motion to dismiss, arguing dismissal was warranted as it was not a suable entity pursuant to *Wayment v. Holmes*, 112 Nev. 232, 237-38, 912 P.2d 816, 819 (1996). The individual officers also moved for dismissal because Warren failed to properly name the City of Sparks as a party defendant as required by NRS 41.031 and NRS 41.0337. Finally, the Washoe County Jail moved for dismissal because Warren had not properly named it as a defendant. Warren opposed the motions to dismiss filed by SPD and the Washoe County Jail but failed to oppose the individual officers' motion to dismiss or LVMPD's motion for severance.

The district court thereafter granted the individual officers' motion to dismiss pursuant to DCR 13(3), as it found Warren's failure to oppose that motion constituted a concession that it was meritorious. In addition, the court granted LVMPD's motion to sever pursuant to DCR 13(3) based on Warren's failure to oppose it. The court also granted LVMPD's motion to sever on the merits, as it found that severance of claims involving LVMPD from those involving the other defendants was appropriate given the circumstances in this case.

The district court also granted SPD's motion to dismiss, concluding that dismissal was warranted as the police department itself

was a department of a municipal entity and thus not a proper defendant to Warren's action. However, the district court denied the Washoe County Jail's motion to dismiss, as it found Warren had attempted to ascertain the proper entity to name as a defendant and the naming defect could be cured through an amended complaint.

Warren subsequently filed a second amended complaint naming Washoe County as a defendant. Washoe County then filed a motion to dismiss, contending that dismissal was warranted based upon statute of limitations grounds and because Warren failed to state a claim for which relief could be granted. Warren filed a very short opposition, stating that she was unable to respond to Washoe County's motion because nothing was written in the motion.

The district court subsequently issued a written order granting Washoe County's motion to dismiss. The district court noted that DCR 13(3) requires a party opposing a motion to include points and authorities showing why a motion should be denied. The court also noted that Washoe County's motion to dismiss was lengthy and contained extensive argument as to why Warren's case should be dismissed. In light of Warren's failure to actually state why the motion to dismiss should be denied, the court concluded that Warren failed to properly oppose the motion. The court concluded Warren's failure constituted an admission that Washoe County's motion to dismiss was meritorious and that granting the motion was therefore appropriate pursuant to DCR 13(3). The district court also found that dismissal was warranted based on the statutes of limitations, as Warren failed to bring her claims in a timely manner. Finally, the district court concluded that several of Warren's claims failed to state a claim for

which relief could be granted. Based on the foregoing, the district court granted Washoe County's motion to dismiss. This appeal followed.

On appeal, Warren challenges the district court's decision to grant Washoe County's motion to dismiss. 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 under DCR 13 for an abuse of discretion. *King v. Carlidge*, 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). "An abuse of discretion occurs if the district court's decision is arbitrary or capricious or if it exceeds the bounds of law or reason." *Skender v. Brunsonbuilt Constr. & Dev. Co.*, 122 Nev. 1430, 1435, 148 P.3d 710, 714 (2006) (internal quotation marks omitted).

As stated previously, the district court granted Washoe County's motion to dismiss on multiple grounds, including granting the motion pursuant to DCR 13(3) and based upon the statutes of limitations. On appeal, Warren contends that the district court's decision to grant dismissal based upon the statutes of limitations was erroneous. However, in her informal brief, Warren fails to address, or even acknowledge, the court's decision to grant the motion to dismiss pursuant to DCR 13(3). As a result, Warren waived any challenge to that basis for the district court's decision to dismiss the complaint and she has therefore failed to establish a basis for reversal. *See Hung v. Genting Berhad*, 138 Nev., Adv. Op. 50, 513

P.3d 1285, 1288 (Ct. App. 2022) (providing that an appellant generally must challenge all the independent alternative grounds relied upon by the district court, otherwise the ruling will be affirmed); *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).

Next, Warren contends that the district court abused its discretion by granting LVMPD's motion to sever. Warren contends that the district court improperly granted severance based on qualified immunity grounds. "[W]e review a district court's severance of claims for an abuse of discretion." *A Cab, LLC v. Murray*, 137 Nev. 805, 817, 501 P.3d 961, 973 (2021).

Warren's contention that the district court granted severance based on qualified immunity grounds is inaccurate. Rather, the district court granted LVMPD's motion to sever pursuant to DCR 13(3) because Warren failed to oppose the motion. The district court also found that LVMPD demonstrated that the claims involving it arose out of different occurrences than those involving the other parties, that different witnesses and documentary proof would be required for the claims involving LVMPD as compared to the claims involving the other defendants, and that LVMPD would be prejudiced if severance was not granted. *See id.* at 817, 501 P.3d at 974 (listing factors for review of a motion to sever, including whether the claims arose out of "the same transaction or occurrence," whether the claims contain "common questions of law or fact," whether a party would suffer prejudice if severance was not granted, and "whether different witnesses and documentary proof are required for separate claims"). The district

court's findings are supported by the record, and we therefore discern no abuse of discretion in its decision to grant LVMPD's motion to sever.

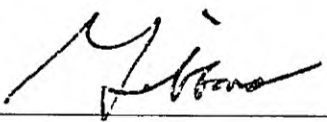
Next, Warren contends that the district court erred by granting motions to dismiss filed by SPD and the individual officers. However, Warren does not present cogent argument concerning the district court's reasons for granting the motions to dismiss filed by SPD or the individual defendants. As a result, we decline to consider these issues. *See 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).

Finally, Warren argues that the district court judges were biased against her. We conclude that relief is unwarranted on this point because Warren has not demonstrated that their decisions in the underlying case were based on knowledge acquired outside of the proceedings and their decisions did 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).

Based on the foregoing analysis, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Connie J. Steinheimer, District Judge
Hon. Egan K. Walker, District Judge
Allanna Warren
Washoe County District Attorney/Civil Division
Washoe District Court Clerk

²Insofar as Warren 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.

In addition, we have reviewed all documents Warren has filed in this matter, and we conclude no relief based upon those submissions is warranted.