


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PRESTON PERKINS,
Appellant,
vs.
PANORAMA TOWERS
CONDOMINIUM UNIT OWNERS'
ASSOCIATION,
Respondent.

No. 87162-COA

FILED

AUG 30 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Preston Perkins appeals from a district court order granting summary judgment in a tort action, certified as final under NRCP 54(b). Eighth Judicial District Court, Clark County; Tara D. Clark Newberry, Judge.¹

Perkins filed the operative complaint against respondent Panorama Towers Condominium Unit Owners' Association (Panorama) and several other defendants who are not parties to the instant appeal,

¹Because Perkins is an aggrieved party under the definition for that term articulated by our supreme court, *see Valley Bank of Nev. v. Ginsburg*, 110 Nev. 440, 446, 874 P.2d 729, 734 (1994) (providing that “[a] party is aggrieved within the meaning of NRAP 3A(a) when either a personal right or right of property is adversely and substantially affected by a district court’s ruling” (internal quotation marks omitted)), we reject Panorama’s argument that this appeal should be dismissed under NRAP 3A(a) (providing that a party must be aggrieved to have standing to appeal).

asserting causes of action for negligence, intentional infliction of emotional distress, and nuisance based on water damage and mold in his rented unit that led to various illnesses. During discovery, Panorama served requests for admissions on Perkins, and he failed to respond. After repeatedly attempting to elicit responses to these requests from Perkins, even after the deadline to respond had passed, Panorama filed a motion for summary judgment, asserting that the admissions were deemed admitted pursuant to NRCP 36(a)(3) and that the statute of limitations precluded his claims. Perkins did not oppose the motion for summary judgment. The district court subsequently granted the motion as unopposed, deemed the requests admitted pursuant to NRCP 36(a)(3), and concluded that Perkins conceded he was unable to prove the elements of his causes of action and that the statute of limitations for those claims expired before he filed his complaint.

Because the case remained pending as to the other defendants, Panorama moved for NRCP 54(b) certification. Perkins thereafter moved to strike Panorama's motion for summary judgment and NRCP 54(b) certification. He also filed a motion requesting that the court rehear Panorama's motion for summary judgment. Panorama opposed both motions.

Following a hearing at which Perkins appeared, the district court entered an order granting Panorama's motion for NRCP 54(b) certification and denying Perkins' motions to strike the motion for summary judgment and to rehear the motion for summary judgment. The court found

that Perkins offered no reason to delay the certification of its order granting summary judgment, there was no legal reason or authority for considering Perkins' motion to strike, and there was similarly no reason to consider the motion to rehear because Perkins failed to show there was newly discovered evidence, intervening caselaw, or other issues that would permit rehearing. This appeal followed.

On appeal, Perkins presents summary arguments regarding various alleged district court errors. However, he fails to meaningfully present arguments challenging the district court's grant of summary judgment.

Given his failure to oppose Panorama's motion for summary judgment below, to the extent Perkins' informal brief sets forth any arguments that can be construed as challenging the district court's grant of the motion for summary judgment, those arguments are improperly raised for the first time on appeal and will thus not be considered. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) ("A point not urged in the trial court, unless it goes to the jurisdiction of that court, is deemed to have been waived and will not be considered on appeal."). Moreover, because Perkins has largely failed to challenge the grounds on which the district court granted the motion for summary judgment, he has likewise waived any challenge to the same. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that arguments not raised on appeal are deemed waived).

Notably, the only point Perkins makes on appeal that could be considered an attempt to challenge one of the grounds relied on by the district court in granting summary judgment—its statute of limitations determination—is a summary assertion that his former attorney failed to file his complaint until two years after he was retained. But Perkins offers no analysis or explanation as to why these events—if true—would mean that the court’s statute of limitations-based grant of summary judgment was erroneous, and thus, in the absence of any cogent argument, we do not consider this assertion. *See Edwards v. Emperor’s Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (holding that this court need not consider claims that are not cogently argued).

Perkins next asserts that the district court was biased against him for having an alleged friendship with his former attorney and for various rulings made during the pendency of his case. However, these summary assertions do not provide a basis for relief. *Cf. Canarelli v. Eighth Jud. Dist. Ct.*, 138 Nev. 104, 107, 506 P.3d 334, 337 (2022) (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); *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”); *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).

Accordingly, for the reasons set forth above, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

²Insofar as Perkins raises arguments that are not specifically addressed in this order, including arguments concerning alleged violations of his constitutional rights, we have considered the same and conclude that they do not present a basis for relief.

cc: Hon. Tara D. Clark Newberry, District Judge
Preston Perkins
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas
Eighth District Court Clerk