


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

HENRY LEE JOHNSON,
Appellant,
vs.
ONE NEVADA CREDIT UNION,
Respondent.

No. 87608-COA

FILED
SEP 16 2024
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Henry Lee Johnson appeals from a district court order granting a motion to dismiss in a civil action. Eighth Judicial District Court, Clark County; Jacob A. Reynolds, Judge.

In August 2023, Johnson, who is incarcerated, filed a complaint against respondent One Nevada Credit Union (One Nevada), alleging that an unnamed individual accessed and made unauthorized transfers out of his account and that One Nevada was informed of the activity in 2014 but failed to prevent the transfers. One Nevada filed a motion to dismiss with prejudice, asserting that various statutes of limitations and the doctrine of claim preclusion (based on a previously resolved lawsuit between the parties) barred his claim.

Although Johnson's opposition to the motion to dismiss was due by September 27th, the district court waited an additional 14 days for Johnson to respond to the motion to dismiss. After receiving no responsive pleading within that time period, the court granted the motion to dismiss, finding: (1) claim preclusion barred Johnson's claim because he previously litigated the same issue in a prior case against One Nevada, which was dismissed with prejudice based on an accepted offer of judgment; (2) the

statutes of limitations for breach of contract (six years), fraud or mistake (three years), and negligence (two years) barred Johnson's claim, which arose in 2014, more than nine years prior to the filing of his complaint; and (3) Johnson failed to oppose the motion, which served as an admission that the motion was meritorious and a consent to granting it under EDCR 2.20(e).¹

The day after the district court's written order was filed, Johnson filed an opposition to One Nevada's motion to dismiss. One Nevada then filed what it styled as an opposition to Johnson's opposition. Johnson thereafter filed a notice of appeal from the district court's order dismissing his complaint.²

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 EDCR 2.20(e) for an abuse of discretion. *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 a district court decision to grant a motion pursuant to the district court rules based on a party's failure to oppose the motion under an abuse of discretion standard).

Here, as detailed above, the district court granted One Nevada's motion to dismiss on multiple grounds, including granting the motion as

¹EDCR 2.20(e) provides that, "[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."

²The district court subsequently entered an order denying any relief requested in Johnson's opposition to One Nevada's motion to dismiss.

unopposed pursuant to EDCR 2.20(e) and based upon claim preclusion and the statutes of limitations. On appeal, Johnson contends that the district court's decision to grant dismissal based upon EDCR 2.20(e) was erroneous because he filed an opposition that he contends was timely. However, in his informal brief, Johnson fails to address, or even acknowledge, the court's decision to grant the motion to dismiss based on claim preclusion and the statutes of limitations. As a result, Johnson has waived any challenge to those bases for the district court's decision to dismiss the complaint and he 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). We, therefore,

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Jacob A. Reynolds, District Judge
Henry Lee Johnson
Shoham Segal Law PLLC
Eighth District Court Clerk