


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CEDRIC GREENE,
Appellant,
vs.
ST. VINCENT DE-PAUL-CARDINAL
MANNING CENTER,
Respondent.

No. 88136-COA

FILED

OCT 31 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Cedric Greene appeals from a district court order dismissing the underlying tort action based on a lack of personal jurisdiction over respondent. First Judicial District Court, Carson City; James Todd Russell, Judge.

Greene, a California resident, initiated the underlying civil tort action against respondent St. Vincent De-Paul-Cardinal Manning Center (St. Vincent), which is a California-based homeless shelter, following his removal from the facility. As set forth in his complaint, he sought an award of \$90,000 in damages against St. Vincent.

St. Vincent subsequently moved to dismiss the case, asserting that Nevada does not have personal jurisdiction over it, given that it is a California corporation, doing business only in California, with zero contacts or connections to Nevada. St. Vincent further noted that Greene's complaint did not allege that it had any connections to Nevada, that it engaged in any activity in Nevada, or that the events of the complaint occurred in Nevada. Instead, St. Vincent argued that the complaint makes clear the events at issue therein took place in California.

Greene opposed the motion to dismiss, arguing that he was allowed to “transfer” his cases to Nevada due to his being declared a vexatious litigant in California. St. Vincent later filed a reply and Greene sought leave to file a sur-reply.

The district court subsequently entered an order granting St. Vincent’s motion to dismiss. The court found that St. Vincent is not a resident of Nevada and had no contacts with the state, that Greene’s claims did not arise out of any forum-related activities in Nevada, and instead concern events in Los Angeles, California, and that the exercise of personal jurisdiction over St. Vincent would not comport with “notions of fair play and substantial justice.” As a result, the court granted the motion to dismiss for lack of personal jurisdiction and dismissed the case with prejudice.¹ This appeal followed.

We review a district court’s resolution of personal jurisdiction issues de novo. *See Baker v. Eighth Jud. Dist. Ct.*, 116 Nev. 527, 531, 999 P.2d 1020, 1023 (2000). “[A] nonresident defendant must have sufficient minimum contacts with the forum state so that subjecting the defendant to the state’s jurisdiction will not offend traditional notions of fair play and substantial justice.” *Fulbright & Jaworski v. Eighth Jud. Dist. Ct.*, 131 Nev. 30, 36, 342 P.3d 997, 1001 (2015) (internal quotation marks and citation omitted). When a defendant challenges personal jurisdiction, the

¹While the district court did not expressly deny Greene’s motion for leave to file a sur-reply, by dismissing the case, the district court effectively denied that motion. *See Bd. of Gallery of History, Inc. v. Datecs Corp.*, 116 Nev. 286, 289, 994 P.2d 1149, 1150 (2000) (concluding that the district court’s failure to rule on a motion constituted a denial of the motion).


plaintiff must introduce evidence to make a prima facie showing that personal jurisdiction exists. *Trump v. Eighth Jud. Dist. Ct.*, 109 Nev. 687, 692-93, 857 P.2d 740, 743-44 (1993).

Here, in opposing St. Vincent's motion to dismiss for lack of jurisdiction, Greene failed to present any facts to establish that the court had personal jurisdiction over St. Vincent. Instead, he asserted that Nevada could exercise jurisdiction over his case based on the fact that he had been declared a vexatious litigant in California. On appeal from the district court's dismissal of his case on personal jurisdiction grounds, Greene does not challenge the district court's findings that St. Vincent is not a resident of Nevada, that it has no contacts with the state, and that Greene's claims do not arise out of any forum-related activities in Nevada, and instead concern events that took place in California. Nor does he present any argument suggesting that that he somehow made a prima facie showing that personal jurisdiction over St. Vincent was proper. *Id.*

As a result, Greene has waived any challenge to the findings and legal conclusions underpinning the district court's determination that it lacked personal jurisdiction over St. Vincent. *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"). Under these circumstances, we cannot conclude that the district court erred in dismissing Greene's case on this basis. *See Baker*, 116 Nev. at 531, 999 P.2d at 1023.

Accordingly, for the reasons set forth above, we affirm the district court's dismissal of Greene's complaint.²

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. James Todd Russell, District Judge
Cedric Greene
LeVangie Law Group / Carson City
Mahe Law, Ltd.
Carson City Clerk

²Insofar as Greene 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.