

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PETITION
FOR CHANGE OF NAME BY: ALEX
MICHAEL FLEEK

ALEX MICHAEL FLEEK,
Appellant.

IN THE MATTER OF THE PETITION
FOR CHANGE OF NAME BY: DULCE
DANIELA MARTINEZ

DULCE DANIELA MARTINEZ,
Appellant.

IN THE MATTER OF THE PETITION
FOR CHANGE OF NAME BY: PENINA
OHAYON

PENINA OHAYON,
Appellant.

No. 87857

FILED

NOV 13 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT

BY: 
DEPUTY CLERK

No. 88016

No. 88190

ORDER OF AFFIRMANCE WITH INSTRUCTIONS

These consolidated appeals challenge district court orders denying adult name change petitions with prejudice. Eighth Judicial District Court, Family Division, Clark County; Linda Marquis, Judge.

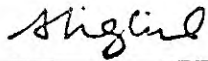
Appellants each filed a petition for an adult name change. The district court denied the petitions with prejudice because appellants failed to submit proof of publication in a newspaper of general circulation, as required by the governing statutes. These appeals followed.

We review the denial of appellants' name-change petitions for an abuse of discretion. *In re Salazar*, 138 Nev., Adv. Op. 69, 518 P.3d 873, 874 (2022). Absent circumstances that are not at issue here, an applicant seeking to change their name must publish a notice acknowledging the filing of the name-change petition in a newspaper of general circulation and file proof of the publication in district court. NRS 41.280(1); NRS 41.290(1). While appellants do not dispute that they failed to comply with the notice publication or proof of publication requirements, they contend that the district court abused its discretion by denying the petitions "with prejudice" because the name change statutes allow successive adult name change petitions to cure procedural defects.


We perceive no abuse of discretion in the district court's decision to deny the petitions based on appellants' failure to comply with the publication or proof of publication requirement. Although the district court's orders state that the denials are with prejudice, there is no question in this case that the decisions have no preclusive effect. *See, e.g., Brye v. Brakebush*, 32 F.3d 1179, 1185 (7th Cir. 1994) (observing that even if a dismissal order states that it is "with prejudice," those words "are not conclusive and have significance only . . . in light of the circumstances under which the dismissal took place" (citation omitted)). In this, we note that NRS 41.270-.290 permits successive name-change petitions. Because the words "with prejudice" are without legal meaning in this non-adversarial proceeding with no adjudication on the merits, they in no way prohibit appellants from refile name change petitions. Nevertheless, in order that the words "with prejudice" may not be construed as *res judicata* in any future name-change petitions filed by appellants, we conclude that those words should be stricken from the court's orders. Accordingly, we direct the

district court to modify its orders upon issuance of the remittiturs to strike the words "with prejudice." With that modification, we

ORDER the judgments of the district court AFFIRMED.


_____, J.
Stiglich


_____, J.
Herndon


_____, J.
Parraguirre

cc: Hon. Linda Marquis, District Judge, Family Division
Greenberg Traurig, LLP/Las Vegas
Eighth District Court Clerk