

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALLANNA WARREN,
Appellant,
vs.
WALMART AND WALMART, INC.,
Respondents.

No. 88817-COA

FILED

AUG 12 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Melissa Fuller*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Allanna Warren appeals from a district court order granting a motion to dismiss her complaint for failure to state a claim. Eighth Judicial District Court, Clark County; Maria A. Gall, Judge.

In the underlying proceedings, Warren sued respondents Walmart and Walmart, Inc. (Walmart) and defendants the Las Vegas Metropolitan Police Department (LVMPD) and Bronson Security¹ for unlawful injury under NRS 41.1395, intentional infliction of emotional distress (IIED), civil conspiracy, and declaratory relief related to two purportedly unlawful arrests performed by the Sparks Police Department. As a result of those arrests, Warren alleged that LVMPD harassed and stalked her and her mother after they moved to Southern Nevada, and that she was subjected to racial discrimination and harassment by Walmart.

¹On October 10, 2024, the Supreme Court of Nevada dismissed Warren's appeal as to LVMPD and Bronson Security due to Warren's failure to serve those parties. Accordingly, this appeal is proceeding only as to Walmart.

Warren did not formally serve Walmart but instead forwarded the summons and complaint to Walmart's CEO and local counsel via email.

Eventually, Walmart filed a motion to dismiss under NRCP 12(b)(4) (insufficient service of process) and (5) (failure to state a claim upon which relief can be granted). Simultaneously, Walmart moved to declare Warren a vexatious litigant, which Warren opposed. However, Warren did not oppose Walmart's motion to dismiss. The district court denied Walmart's motion to declare Warren a vexatious litigant, and, upon considering the motion to dismiss in chambers, entered an order granting Walmart's motion to dismiss under NRCP 12(b)(5).

In its order granting the motion to dismiss, the district court recited the elements for each of Warren's stated causes of action and ultimately found that Warren failed to state a claim against Walmart upon which relief could be granted. Specifically, the district court found that Warren's claim under NRS 41.1395 failed as the complaint contained no allegations that Walmart knew or should have known that she suffered from any condition that would qualify her as a vulnerable person under the statute. Next, the district court found that Warren's IIED claim failed as the complaint did not "allege that Walmart acted in any way with the intention of, or reckless disregard for, causing plaintiff emotional distress." As to the civil conspiracy claim, the district court found that the complaint applies this cause of action to LVMPD and the non-party Henderson police department, and not Walmart. Further, to the extent the complaint attempted to add Walmart to that claim, the court rejected that effort in dismissing the civil conspiracy claim against Walmart.

As to Warren's request for declaratory relief, the court found that it was unclear whether her request related to LVMPD or Walmart, and found that, to the extent that Warren sought declaratory relief against Walmart, the requested relief was improper because she "does not request a declaration from the court regarding her rights, or Walmart's obligations, under any statute or ordinance." Finally, the court found that leave to amend would be futile as Warren could not set forth a cognizable claim for relief under her allegations.

Warren appealed the order granting the motion to dismiss. Shortly thereafter, she filed a subpoena duces tecum for Walmart's business records, and two motions seemingly related to a factually similar case against LVMPD in federal district court. The district court denied both motions, noting that they appeared to be related to the federal case, that this case had been dismissed, and that Warren's appeal from the order granting the motion to dismiss divested it of jurisdiction to grant Warren relief. No action was taken on the subpoena duces tecum.

This court reviews a district court's order granting an NRCP 12(b)(5) motion to dismiss for failure to state a claim de novo. *Montanez v. Sparks Fam. Hosp., Inc.*, 137 Nev. 742, 743, 499 P.3d 1189, 1191 (2021). On appeal, Warren argues that the order granting the motion to dismiss should be reversed due to the district court's bias against her. Specifically, she alleges that the court was biased against her because it did not take any action on her subpoena duces tecum, refused to hold pretrial hearings, and did not grant motions in her favor. But Warren does not address any of the specific grounds for dismissal identified by the district court in its order.

Having reviewed the record on appeal and Warren's informal brief, we conclude Warren has not demonstrated a basis for relief from the district court's order granting Walmart's motion to dismiss under NRCP 12(b)(5). Because Warren did not provide any arguments related to the legal grounds the district court relied on to grant the motion to dismiss, any challenges to those issues are waived, and we therefore affirm the order granting the motion to dismiss on those grounds. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that issues not raised on appeal are deemed waived).


Nevertheless, Warren also asserts that the district court judge should be disqualified and the order reversed due to judicial bias. To warrant disqualification, judicial bias generally must be predicated on "something other than rulings, opinions formed, or statements made by the judge during the course of trial." *Canarelli v. Eighth Jud. Dist. Ct.*, 138 Nev. 104, 107, 506 P.3d 334, 337 (2022) (quotation marks omitted). Here, Warren alleges that the district court was biased against her because it ruled against her on several motions and failed to take action on her subpoena duces tecum, among other things.² To the extent that Warren's arguments on these points attempt to challenge the district court's impartiality with regard to the motion to dismiss, we conclude that she has

²To the extent Warren challenges the district court's rulings concerning the "Order Denying Plaintiff Allanna Warren's 11th Motion to Expedite the Case and Motion to Vacate August 21, 2024, Order" entered September 19, 2024, that order, and the motions it resolved, were filed after the filing of this appeal. Accordingly, that order is not properly before this court for appellate review.

not demonstrated that the court exhibited bias against her. *See id.* ("Where the alleged bias does not stem from an extrajudicial source, the party seeking disqualification must show the judge formed an opinion based on the facts introduced during the proceedings and that this opinion displays a deep-seated favoritism or antagonism that would make fair judgment impossible." (internal quotation marks omitted)). Thus, relief is unwarranted with regard to Warren's bias-based arguments.

Accordingly, for the reasons set forth above, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Maria A. Gall, District Judge
Allanna Warren
Burger, Meyer & D'Angelo, LLP / Las Vegas
Eighth District Court Clerk