

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ZVIETA BLANCO-DELFINO AND  
MAIKEL CASTILLO VERDECIA,  
Appellants,  
vs.  
CARLOS ARANA,  
Respondent.

No. 88383-COA

**FILED**

OCT - 9 2025

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY Elaine  
DEPUTY CLERK

*ORDER AFFIRMING IN PART  
AND DISMISSING IN PART*

Zvieta Blanco-Delfino and Maikel Castillo Verdecia (appellants) appeal from a final judgment pursuant to a short-trial jury verdict in a tort action. Eighth Judicial District Court, Clark County; Jennifer L. Schwartz, Judge.<sup>1</sup>

Appellants filed a complaint alleging that in July 2022, respondent Carlos Arana caused a motor vehicle accident by rear-ending a vehicle driven by Blanco-Delfino. Verdecia alleged that he was sitting in the front passenger seat of Blanco-Delfino's vehicle during the accident. Arana denied that an accident occurred and instead claimed that Blanco-Delfino passed him at a high rate of speed before moving into his lane and slamming on her brakes; but that he was able to stop without striking her

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<sup>1</sup>Harry Paul Marquis, Pro Tempore Short Trial Judge, presided over the jury trial in this case as part of the Short Trial Program and issued the evidentiary rulings and jury instructions at issue.

vehicle. This matter was assigned to the court-annexed arbitration program and following a hearing, the arbitrator determined that Blanco-Delfino had attempted to stage an accident and that Verdecia was not in Blanco-Delfino's vehicle at the time of the accident.

Appellants then sought a trial de novo through the Short Trial Program. The subsequent short trial was not recorded. Because appellants did not prepare a statement of evidence, it is unclear what evidence was presented at trial and what objections were raised to the proposed evidence or testimony. However, appellants allege that during Arana's direct examination, his counsel elicited testimony suggesting or stating that Arana's insurance company agreed to repair the minor damage that existed on Blanco-Delfino's vehicle.<sup>2</sup> Appellants then attempted to cross-examine Arana regarding whether his insurance company accepted liability for the personal injury claim and offered to settle the claims for \$500. The short trial judge sustained Arana's counsel's objection to this line of questioning and would not permit appellants' counsel to question Arana regarding his insurance company's decisions.

Following the presentation of evidence, the short trial judge provided various jury instructions, including Instruction 3 and Instruction 5. Instruction 3 stated, in part, "you must decide all questions of fact in this case from the evidence you received in this trial and not from any other

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<sup>2</sup>Blanco-Delfino maintained during arbitration that the damage to her car was caused by "U shaped pieces of metal in the front of [Arana's] car." However, the arbitrator determined that Arana's vehicle did not have "U shaped pieces of metal" attached to the front.

source.” Instruction 5 stated, in part, “you are not to discuss or even consider whether or not the defendant was carrying insurance that would reimburse the defendant for whatever sum of money the defendant may be called upon to pay the plaintiff.” Arana alleges, and appellants do not disagree, that neither party objected to these instructions. The jury subsequently returned a verdict in Arana’s favor. The district court then entered judgment on the jury verdict. This appeal followed.<sup>3</sup>

We review a short trial judge’s evidentiary ruling for an abuse of discretion. *Cf. FGA, Inc. v. Giglio*, 128 Nev. 271, 283, 278 P.3d 490, 497 (2012). Although there is no formal reporting of short trials unless paid for by the parties, NSTR 20, it is an appellant’s burden to provide “portions of the record necessary to [the] determination of issues raised in appellant’s

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<sup>3</sup>While this appeal was pending, Arana filed in the underlying proceeding a post-judgment motion for attorney fees pursuant to NSTR 27(b)(1) and NAR 20(b), which the short trial judge granted. To the extent appellants challenge that decision, we lack jurisdiction because appellants did not file a separate notice of appeal of the decision. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (“A post-judgment order awarding attorney’s fees and/or costs may be appealable as a special order made after final judgment.”); *see also* NRAP 3(c)(1)(B) (providing that a notice of appeal must “designate the judgment, order, or part thereof being appealed”). Moreover, because the record before this court does not include a district court order approving the attorney fees award, and none is listed on the district court docket sheet, *see* NSTR 3(d)(4) (providing that short trial judges’ proposed orders are not effective until signed by the district court), it appears that any notice of appeal challenging the short trial judge’s attorney fees award would be premature at this time, *see* NRAP 4(a)(6) (providing that a premature notice of appeal does not divest the district court of jurisdiction). Accordingly, this portion of appellants’ appeal is dismissed.

appeal,” NRAP 30(b)(3). And where, as was the case here, the trial proceedings were not reported or recorded, “the appellant may prepare a statement of the evidence or proceedings from the best available means, including . . . the appellant’s recollection,” which “must be served on all other parties, who may serve objections or proposed amendments within 14 days after being served.” NRAP 9(c).

Here, appellants argue the short trial judge erroneously prevented them from questioning Arana regarding his insurance company’s decisions despite permitting Arana to testify about his insurance during direct exam. However, absent a transcript or statement of evidence, we cannot evaluate the alleged testimony, nor do we even know the basis for the short trial judge’s ruling. Under these circumstances, we presume the missing portion of the record supports the short trial judge’s determination. *See Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007). Further, even without the record, efforts to compromise a claim are generally inadmissible. *See* NRS 48.105. And even assuming the short trial judge’s decision was somehow erroneous, without a record of the other evidence provided, we cannot determine whether such error was harmless. *See Wyeth v. Rowatt*, 126 Nev. 446, 465, 244 P.3d 765, 778 (2010) (providing that an error is prejudicial if it “affects [a] party’s substantial rights so that, but for the alleged error, a different result might reasonably have been reached”); *cf.* NRCP 61 (“At every stage of the proceeding, the court must disregard all errors and defects that do not affect any party’s substantial rights.”). Because appellants failed to demonstrate the short

trial judge's evidentiary rulings were an abuse of discretion, we affirm the district court's judgment on the jury verdict.<sup>4</sup>

It is so ORDERED.<sup>5</sup>

  
\_\_\_\_\_, C.J.  
Bulla

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Westbrook

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<sup>4</sup>Although we agree appellants' appeal arguably lacks substantial merit, we decline to impose sanctions because there has not been a clear showing of a misuse of the appellate process. *See Works v. Kuhn*, 103 Nev. 65, 69, 732 P.2d 1373, 1376 (1987), *disapproved on other grounds by Sandy Valley Assocs. v. Sky Ranch Ests. Owners Ass'n*, 117 Nev. 948, 35 P.3d 964 (2001) (noting a frivolous appeal is one that lacks any merit and constitutes a misuse of the appellate process.). Nevertheless, we caution counsel to carefully review all appellate rules before submitting an appellate brief.

<sup>5</sup>Insofar as appellants raise 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. Specifically, although appellants argue that the district court failed to grant NRCP 60(b) relief, this issue was not raised below, and we decline to consider it for the first time on appeal. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (providing that "[a] point not urged in the trial court, unless it goes to the jurisdiction of that court," is forfeited). Therefore, appellants have forfeited this issue for appellate review.

cc: Hon. Jennifer L. Schwartz, District Judge  
Jay Young, Settlement Judge  
Hitzke & Ferran  
Messner Reeves LLP  
Eighth District Court Clerk