



IN THE SUPREME COURT OF THE STATE OF NEVADA

SG VEGAS OWNER LLC,  
Appellant,  
vs.  
MAGDI AMER, AN INDIVIDUAL,  
Respondent.

No. 90572

*ORDER OF REVERSAL AND REMAND*

This is an appeal from a district court order granting a motion to dismiss in a contract action. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

We have considered appellant SG Vegas Owner LLC's opening brief and the record. Having done so, we conclude that the district court erred in dismissing SG Vegas's complaint against respondent Magdi Amer on claim-preclusion grounds. *See Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 228, 181 P.3d 670, 672 (2008) (reviewing de novo a district court's order dismissing a complaint under NRCP 12(b)(5)); *Alcantara v. Wal-Mart Stores, Inc.*, 130 Nev. 252, 256, 321 P.3d 912, 914 (2014) (reviewing de novo a district court's application of claim preclusion).

The district court dismissed SG Vegas's complaint based on nonmutual claim preclusion, which is applicable when

- (1) the final judgment [in a previous lawsuit] is valid,
- (2) the subsequent action is based on the same claims or any part of them that were or could have been brought in the first case, and
- (3) the parties or their privies are the same in the instant

lawsuit as they were in the previous lawsuit, or the defendant can demonstrate that he or she should have been included as a defendant in the earlier suit *and the plaintiff fails to provide a “good reason” for not having done so.*

*Weddell v. Sharp*, 131 Nev. 233, 241, 350 P.3d 80, 85 (2015) (citation modified) (second emphasis added).

In opposing Amer’s motion to dismiss and again in its appellate brief, SG Vegas argues that it had a “good reason” for not asserting breach-of-guaranty counterclaims against Amer in the first lawsuit. Namely, SG Vegas contends that it wanted to expedite the first litigation and that pursuing breach-of-guaranty counterclaims against Amer would have been unnecessary if Amer’s principal would have paid the judgment that was ultimately entered in favor of SG Vegas in the first lawsuit. Having reviewed the district court’s April 3, 2025, order granting Amer’s motion to dismiss in this case, we cannot glean any meaningful analysis as to why it rejected SG Vegas’s argument in this respect. And given that Amer failed to file an answering brief, we cannot discern any explanation to support the district court’s rationale. *Cf. id.* at 238, 350 P.3d at 83 (recognizing that although the claim-preclusion doctrine generally promotes judicial efficiency, “a party need not assert every conceivable claim against every conceivable defendant in a single action ”); NRAP 31(d)(2) (observing that a respondent’s failure to file an answering brief “may be treated as a confession of error”).

Consistent with the foregoing, we conclude that the district court erred in dismissing SG Vegas’s complaint against Amer. We therefore

ORDER the judgment of the district court REVERSED AND



REMAND this matter to the district court for proceedings consistent with this order.



Herndon, C.J.



Bell, J.



Cadish, J.

cc: Chief Judge, Eighth Judicial District Court  
Department 24, Eighth Judicial District Court  
Dana Jonathon Nitz, Settlement Judge  
Snell & Wilmer, LLP/Las Vegas  
Skane Mills LLP/Las Vegas  
Skane Mills LLP/San Diego  
Eighth District Court Clerk

