



IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM ERRICO, AN INDIVIDUAL,
Appellant,
vs.
SHUMWAY VAN LLC; MICHAEL C.
VAN, CHTD.; MICHAEL C. VAN, AN
INDIVIDUAL; GARRETT R. CHASE,
AN INDIVIDUAL; SANDRA STAHL, AN
INDIVIDUAL; AND JOHN R.
HOLIDAY, AN INDIVIDUAL,
Respondents.

No. 91186

ORDER OF AFFIRMANCE

This is a pro se appeal from a district court order granting a motion to dismiss. Eighth Judicial District Court, Clark County; Bitu Yeager, Judge.

Appellant William Errico was formerly licensed as an attorney in Nevada. Errico represented Wilfred Bosserman in a personal injury action. In 2015, respondent Michael Van and Bosserman's mother, a client of Van's, were subpoenaed to testify before a grand jury with respect to potential criminal charges against Errico. A month later, Errico was indicted. On April 27, 2018, Errico's counsel sent a letter to Van, detailing Errico's allegations of perjury during the grand jury proceedings and demanding Van correct the record. In 2018, Errico was disbarred from the practice of law in Nevada. *Matter of Discipline of Errico*, No. 73995, 2018 WL 5095817 (Nev. Oct. 10, 2018) (Order of Disbarment). In January 2023, Errico pleaded guilty pursuant to *North Carolina v. Alford*, 400 U.S. 25 (1970), to a gross misdemeanor relating to the misappropriation of settlement funds. On December 3, 2024, Errico initiated the underlying civil action on behalf of himself and William Errico & Associates, P.C. The district court struck the complaint as to William Errico

& Associates because that entity was not represented by an attorney, and later the court dismissed the suit in its entirety. Errico appeals.

Errico argues the district court erred in concluding the claims were barred by the statute of limitations and in dismissing the complaint. Generally, a complaint will not be dismissed under NRCP 12(b)(5) for failure to state a claim upon which relief can be granted unless it appears certain the plaintiff cannot prove any set of facts that would entitle them to relief. *Holcomb Condo. Homeowners' Ass'n, Inc. v. Stewart Venture, LLC*, 129 Nev. 181, 186, 300 P.3d 124, 128 (2013). The district court, however, may dismiss a complaint pursuant to NRCP 12(b)(5) when the uncontroverted facts indicate the statute of limitations has run on the action. *Id.* Under such circumstances, we review de novo the district court's application of the statute of limitations. *Id.* at 186-87, 300 P.3d at 128.

“The general rule concerning statutes of limitations is that a cause of action accrues when the wrong occurs and a party sustains injuries for which relief could be sought.” *Petersen v. Bruen*, 106 Nev. 271, 274, 792 P.2d 18, 20 (1990). And “[u]nder the discovery rule, the statutory period of limitations is tolled until the injured party discovers or reasonably should have discovered facts supporting a cause of action.” *Id.* Here, it is uncontroverted that Errico knew of the facts supporting the causes of action on April 27, 2018, at the latest. This is the date Errico's counsel sent a letter to Van describing Errico's perjury allegations in detail. Considering all of the claims alleged in the complaint, the statutes of limitation ranged from two to five years, and the complaint was filed on December 3, 2024, more than six years after the letter was sent and thus well after the statutes of limitations had run as to all causes of action. *See* NRS 11.190; NRS 11.220; NRS 207.520. While Errico argues the statutes of limitations were tolled due to Errico's pending criminal charges,

Errico provides no authority that supports this position. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (observing that it is a party's responsibility to support arguments with salient authority). Accordingly, we conclude the district court did not err in finding Errico's claims barred by the statute of limitations and dismissing Errico's complaint. We therefore

ORDER the judgment of the district court AFFIRMED.



Bell, J.



Stiglich, J.



Cadish, J.

cc: Avalon Legal Group LLC
Isaacson Law
VC2 Law
William Errico
Hon. Bita Yeager, District Judge
Eighth District Court Clerk