FILED
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ELIZABETH A. BROWN
CLERK OF SUPREME COURT

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LIFETRANS, INC., A NEVADA CORPORATION, Appellant, vs. STATE OF NEVADA, DEPARTMENT OF BUSINESS AND INDUSTRY, NEVADA TRANSPORTATION AUTHORITY AND MEDICAL TRANSPORT USA LLC, A NEVADA LIMITED LIABILITY COMPANY, Respondents.	No. 90779-COA

ORDER OF AFFIRMANCE

LifeTrans, Inc., appeals from a district court order dismissing a petition for judicial review of an administrative decision. Eighth Judicial District Court, Clark County; Hon. Jacob A. Reynolds, Judge.

In 2021, respondent Medical Transport USA LLC (MTC) submitted a permit application to respondent Nevada Transportation Authority (NTA), requesting a contract carrier permit. In 2022, LifeTrans submitted a petition to intervene in the administrative matter, which the NTA initially granted. However, in December 2023, the NTA issued an order titled "Order Dismissing Intervenor and Vacating December 12, 2023[,] Hearing Application." The order found LifeTrans did not diligently participate in administrative discovery and failed to submit a witness list prior to a scheduled hearing. Further, the order cited to NAC 706.3968(4), which states the NTA shall dismiss an intervenor who has no direct or substantial interest in the proceeding. The order then concluded that pursuant to NAC 706.3968(4), "LifeTrans is dismissed from further involvement in the present proceeding."

Following this order, the NTA removed LifeTrans from the service list for the administrative proceedings. The NTA subsequently permitted another entity, Medlife, to intervene in the administrative proceedings and oppose MTC's application at an application hearing. After the hearing, NTA approved MTC's application.

LifeTrans subsequently filed a petition for judicial review, challenging the order granting MTC's application. The petition did not challenge, or even acknowledge, the December 2023 order. Indeed, the petition failed to mention that LifeTrans had been granted intervenor status but had ultimately not participated in the final application hearing. Instead, LifeTrans' petition focused solely on whether MTC's application should have been granted and alleged LifeTrans had "unique knowledge" regarding the non-emergency medical transportation industry. The petition named the NTA and MTC but did not name Medlife.

Respondents each filed motions to dismiss, which largely presented identical arguments. First, respondents asserted that, because LifeTrans was dismissed as a party during the administrative proceedings, it lacked standing to file a petition for judicial review from the order granting MTC's application pursuant to NRS 233B.130(1)(a). As part of this argument, respondents noted that LifeTrans did not participate at either the December 2024 or January 2025 application hearings nor did it appear or participate at the January 2025 General Session Meeting where MTC's application was approved. And LifeTrans failed to challenge the December 2023 order. Second, respondents argued that dismissal was warranted because LifeTrans failed to name Medlife in its petition in violation of NRS 233B.130(2)(a).

LifeTrans filed an opposition, which asserted the December 2023 order did not dismiss it as a party but was instead a discovery sanction prohibiting it from further involvement. And because LifeTrans was not dismissed, it maintained it was a party under NRS 233B.035 and NRS 233B.130, and thus, had standing to file a petition for judicial review from the order granting MTC's application. Further, LifeTrans reasoned that it was not required to engage in piecemeal litigation by first challenging the December 2023 order and instead, it was required to wait until the final order was issued. Further, LifeTrans maintained it was entitled to amend its petition to name Medlife because the deadline to file a petition for judicial review did not begin to run until after service of the final order, and the NTA failed to serve LifeTrans with the final judgment. Respondents filed a reply, which generally repeated the above arguments and additionally asserted dismissal was appropriate because LifeTrans failed to file a transcript of the evidence supporting the final order. Ultimately, the district court dismissed the petition, finding LifeTrans was not a party, and thus, lacked standing under NRS 233B.130. Based on this determination, the court did not address the respondents' alternative arguments for dismissal.

We review de novo a district court's decision to grant a motion to dismiss pursuant to NRCP 12(b)(5). *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008). This court also reviews a district court's determination concerning subject matter jurisdiction de novo. *Ogawa v. Ogawa*, 125 Nev. 660, 667, 221 P.3d 699, 704 (2007). Generally, courts do not have jurisdiction to review official decisions of administrative agencies unless there is a statute allowing it. *Washoe County v. Otto*, 128 Nev. 424, 431, 282 P.3d 719, 724 (2012). The supreme

court has previously explained that the filing requirements of NRS 233B.130 are "mandatory and jurisdictional," and thus, a court lacks jurisdiction to consider a petition that fails to comply with that statute. *Id.* at 432-33, 282 P.3d at 725.

On appeal, LifeTrans attempts to demonstrate that it had standing to petition for judicial review from the order granting MTC's application pursuant to NRS 233B.130(1) by arguing that the December 2023 order was merely a discovery sanction, which did not dismiss it from the underlying proceeding as a party, but instead, prevented it from participating in the final hearing on MTC's application. Moreover, LifeTrans asserts that even assuming it was dismissed, it nevertheless could wait until a final order was issued to file a petition for judicial review rather than engage in piecemeal litigation.

However, regardless of whether the December 2023 order dismissed LifeTrans or was a discovery sanction, because the order effectively prevented it from participating in the remaining administrative proceedings concerning MTC's application, as LifeTrans acknowledges, it has never presented any argument before the NTA with respect to the merits of MTC's application. *See State ex rel. State Bd. of Equalization v. Barta*, 124 Nev. 612, 621, 188 P.3d 1092, 1098 (2008) (explaining that "judicial review of administrative decisions is limited to the record before the administrative body" and that "a party waives an argument made for the first time to the district court on judicial review"); *see also Law Offices of Barry Levinson, P.C. v. Milko*, 124 Nev. 355, 362, 184 P.3d 378, 384 (2008) (providing that appellate review of administrative decisions is "confined to the record before the agency"). Under these circumstances, even assuming that LifeTrans had standing to petition for judicial review from the order

granting MTC's application, as opposed to filing a timely petition for judicial review from the December 2023 order, LifeTrans could not proceed directly to challenging the order granting MTC's application.

Instead, LifeTrans was required to first demonstrate that the December 2023 order itself was erroneous, as the NTA has insisted throughout these proceedings, to have it vacated and the matter remanded to the NTA for further proceedings concerning the merits of MTC's application with LifeTrans' participation. Indeed, after the December 2023's order's entry, this was the only avenue available to LifeTrans to present argument concerning the merits of MTC's application in the first instance before NTA. *See State ex rel. State Bd. of Equalization*, 124 Nev. at 621, 188 P.3d at 1098; *see also Law Offices of Barry Levinson, P.C.*, 124 Nev. at 362, 184 P.3d at 384.

But LifeTrans did not present any argument in its petition to challenge the December 2023 order.[1] *See Old Aztec, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (providing that arguments not raised before the district court are generally forfeited). And because LifeTrans arguments concerning the merits of MTC's application were not properly before the district court under these circumstances, we conclude that it failed to demonstrate the district court erred in dismissing the petition for judicial review and affirm that decision, albeit for slightly different reasons than those the district court relied on in dismissing the petition. *Cf. Saavedra-Sandoval v. Wal-Mart Stores, Inc.*, 126 Nev. 592, 599, 245 P.3d

[1]Notably, while LifeTrans suggests in its opening brief that it could properly bundle arguments concerning the December 2023 order and the order granting MTC's application in its petition, it failed to do so as stated above.

1198, 1202 (2010) (noting this court will affirm a district court's order if the right result was reached, even if for the wrong reason).[2]

Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Bulla, C.J.

Gibbons, J.

Westbrook, J.

cc: Hon. Jacob A. Reynolds, District Judge
Paul S. Lychuk, Settlement Judge
Mushkin & Coppedge
Attorney Brent Carson, LLC
Attorney General/Carson City
Attorney General/Las Vegas
Eighth District Court Clerk

[2]Insofar as LifeTrans raises additional arguments, we have considered them and conclude they do not provide a basis for relief.