

IN THE SUPREME COURT OF THE STATE OF NEVADA

CLARK KAY AND JANE KAY,
Appellants,

vs.

CITY OF LAS VEGAS, NEVADA, A
MUNICIPAL CORPORATION; AND
OSCAR B. GOODMAN, MAYOR,
Respondents.

No. 39464

FILED

JUL 17 2002

CLERK OF SUPREME COURT
BY *A. Shoop*

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing appellants' complaint for failure to state a claim upon which relief can be granted, pursuant to NRCPC 12(b)(5). Having reviewed the record in this matter, we conclude that the district court properly dismissed the complaint.¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Shearing J.
Shearing

Rose J.
Rose

Becker J.
Becker

¹See Edgar v. Wagner, 101 Nev. 226, 699 P.2d 110 (1985) (holding that on review of an order granting a motion to dismiss, this court's task is to determine whether or not the challenged pleading sets forth allegations sufficient to make out the elements of a right to relief); NRCPC 12(b)(5); see also Bright v. Bechtel Petroleum, Inc., 780 F.2d 766, 770 (9th Cir. 1986) (holding that an employer is not liable to an employee for complying with its legal duty to withhold federal income tax).

cc: Hon. Nancy M. Saitta, District Judge
Las Vegas City Attorney
Clark Kay
Jane Kay
Clark County Clerk