

IN THE SUPREME COURT OF THE STATE OF NEVADA

ERIC ZESSMAN,
Appellant,

vs.

LAS VEGAS METROPOLITAN POLICE
DEPARTMENT; JERRY KELLER,
SHERIFF, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT; ROBERT ROGERS,
DETECTIVE, INDIVIDUALLY, LAS
VEGAS METROPOLITAN POLICE
DEPARTMENT; ANTHONY PLEW,
DETECTIVE, INDIVIDUALLY, LAS
VEGAS METROPOLITAN POLICE
DEPARTMENT; LORI CRICKETT,
SERGEANT, LAS VEGAS
METROPOLITAN POLICE
DEPARTMENT; AND CLARK COUNTY
DISTRICT ATTORNEY'S OFFICE,
Respondents.

No. 40325

FILED

FEB 04 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. R. [Signature]*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing appellant's complaint. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

Appellant's complaint alleged claims under Nevada's civil anti-racketeering statute (RICO) and for intentional misrepresentation and false arrest/false imprisonment. The district court granted respondents' motions to dismiss, and this appeal followed. Having reviewed the record, we conclude that the district court did not err in dismissing appellant's complaint.¹ First, the civil RICO claims were not

¹See Hale v. Burkhardt, 104 Nev. 632, 636, 764 P.2d 866, 868 (1988) (stating that a claim should not be dismissed unless it appears that the plaintiff is not entitled to relief under any set of facts).

pled with sufficient specificity.² Next, the predicate act alleged in the second RICO claim, forgery of an arrest warrant, even if stated with sufficient specificity, did not proximately cause the seizure of appellant's property under a separate search warrant.³ Finally, the claims for intentional misrepresentation and false arrest or imprisonment are barred by the applicable statutes of limitation, since the causes of action accrued in April 1999 and the complaint was not filed until July 2002, over three years later.⁴ Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁵

Becker _____, C.J.
Becker

Rose _____, J.
Rose

Hardesty _____, J.
Hardesty

²See id. at 637-38, 764 P.2d at 869-70 (holding that a RICO complaint must have the same degree of specificity as a criminal information or indictment); see also Cummings v. Charter Hospital, 111 Nev. 639, 896 P.2d 1137 (1995).

³See Allum v. Valley Bank of Nevada, 109 Nev. 280, 849 P.2d 297 (1993).

⁴See NRS 11.190(3)(d) (providing for a three-year period for fraud claims); NRS 11.190(4)(c) (providing for a two-year period for false imprisonment claims).

⁵See Rosenstein v. Steele, 103 Nev. 571, 575, 747 P.2d 230, 233 (1987) (noting that this court will affirm a district court's order if the district court reached the correct result, even if for different reasons).

cc: Hon. Valorie Vega, District Judge
Eric Zessman
Clark County District Attorney David J. Roger/Civil Division
Clark County Clerk