

IN THE SUPREME COURT OF THE STATE OF NEVADA

ALEXANDRE BALAS TOUNIS,
Appellant,
vs.
FRONTEER DIRECTORY COMPANY
OF NEVADA, INC.,
Respondent.

No. 41436

FILED

MAY 17 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

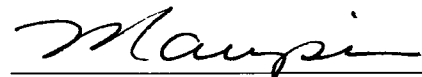
This is an appeal from a district court order denying a petition for a writ of prohibition. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.


Fronteer Directory Company of Nevada sued Alexandre Balas Tounis for breach of contract in the small claims division of justice's court. On the small claims affidavit of complaint, the affiant did not state his relationship to Fronteer and represented that he was the plaintiff, even though Fronteer appeared in the caption of the affidavit as the plaintiff. The small claims court found in favor of Fronteer, and ordered Tounis to pay approximately \$604, which included interest. Tounis failed to timely appeal or object to this judgment, or to cooperate in Fronteer's collection on the judgment. Tounis thereafter filed a writ of prohibition with the district court, seeking to arrest the justice's court proceedings and dismiss the small claims case. After a hearing on the matter, the district court denied Tounis' petition and motion to reconsider.

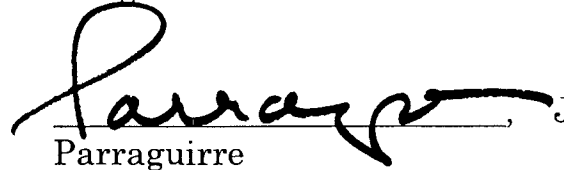
Tounis appeals, asserting that the justice's court lacked jurisdiction to consider the matter because the affiant on the small claims complaint did not state his relationship to Fronteer, the party stated in

the caption. Fronteer states that this appeal is yet another of Tounis' non-meritorious attempts to prevent Fronteer from collecting on the judgment, and requests that this court sanction Tounis by ordering him to pay attorney fees under NRAP 38(b). We agree, noting the lack of any jurisdictional requirement that affidavits in small claims matters allege the relationship between the affiant and the plaintiff. We further note that the writ petition below was made after a failure to timely exercise appeal rights in district court and that this appeal represents an ongoing abuse of court processes for the purpose of delay.¹

Accordingly, we dismiss this appeal and order that Tounis pay sanctions to Fronteer under NRAP 38 in the amount of \$4,000.00.

 J.
Maupin

 J.
Douglas

 J.
Parraguirre

cc: Hon. Jessie Elizabeth Walsh, District Judge
Flangas Law Office
Jones Vargas/Las Vegas
Clark County Clerk

¹See Pan v. Dist. Ct., 120 Nev. 222, 224, 88 P.3d 840. 841 (2004) (stating that the right to appeal is generally an adequate legal remedy that precludes writ relief).