

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN FRANCIS REED,
Appellant,
vs.
ESTATE OF AGNES NANCY CONTE,
A/K/A NANCY RIDDELL,
Respondent.

No. 41737

FILED

APR 19 2005

ORDER OF AFFIRMANCE

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

This is an appeal from a judgment after a bench trial on appellant's third-party complaint against respondent for damages for defense contribution costs in a real property partition case. Eighth Judicial District Court, Clark County; Ronal D. Parraguirre, Judge.

Sidney B. Hudson, who is not a party to this appeal, filed a complaint against appellant John Francis Reed and respondent Nancy Riddell, a.k.a. Agnes Nancy Conte seeking the partition of real property owned by them in unequal shares, and to recover damages for Reed's removal of rock and minerals from the one-fifth portion of the property to which Hudson claimed ownership. Reed filed responsive pleadings, including an answer and counter-claim against Hudson challenging Hudson's survey of the parcel; however, in his answer, Reed did not dispute Conte's ownership of the Sparfeld parcel.

Subsequently, Hudson and Conte died and their respective estates were substituted in their place. Reed filed a motion to supplement the pleadings, asserting that the specific power of attorney signed by Conte was not a power of attorney, but instead a deed of conveyance transferring ownership of Conte's share of the Sparfield parcel to Reed. The district court entered an order denying Reed's motion because it was

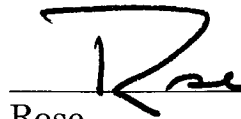
unrelated to the underlying dispute and because it would cause extreme prejudice to Conte. Reed appeals.

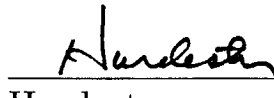
The applicable standard of review for a district court's denial of a motion to amend under NRCP Rule 15(d) is abuse of discretion.¹ We conclude that the district court did not abuse its discretion in denying Reed's motion to amend. Because Reed's remaining arguments lack merit, we decline to address them on appeal.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Becker


_____, J.
Rose


_____, J.
Hardesty

cc: Eighth Judicial District Court Dept. 3, District Judge
Stanley W. Pierce
Hutchison & Steffen, Ltd.
Clark County Clerk

¹Diversified Capital v. City N. Las Vegas, 95 Nev. 15, 22, 590 P.2d 146, 150 (1979).