

IN THE SUPREME COURT OF THE STATE OF NEVADA

LINDA HARIKIAN,
Appellant,
vs.
C. LEON CHEN, DMD, MS,
Respondent.

No. 42165

FILED

APR 08 2004

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order that dismissed appellant's dental malpractice claim.

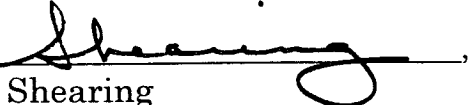
NRS 41A.071, enacted in the Nevada Legislature's 2002 special session, requires a party filing an action for dental malpractice in the district court to include an affidavit supporting the allegations contained in the complaint. The affidavit must be submitted by a medical expert who practices or has practiced in an area that is substantially similar to the type of practice engaged in at the time of the alleged malpractice. The district court "shall dismiss the action, without prejudice," if an action is filed without the required affidavit.¹

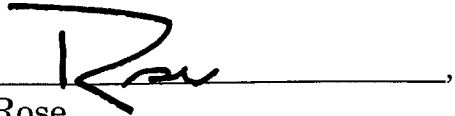
Appellant Linda Harikian filed a dental malpractice action against respondent without a supporting affidavit. The district court

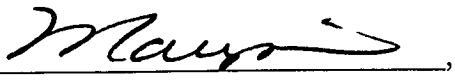
¹See NRS 41A.071.

correctly dismissed her action without prejudice pursuant to NRS 41A.071. Accordingly, we

ORDER the judgment of the district court AFFIRMED.²

 _____, C.J.
Shearing

 _____, J.
Rose

 _____, J.
Maupin

cc: Hon. Valerie Adair, District Judge
Lauria Tokunaga & Gates, LLP
Linda Harikian
Clark County Clerk

²Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from her.