

IN THE SUPREME COURT OF THE STATE OF NEVADA

JASON ERIC SONNTAG,  
Appellant,  
vs.  
RICHARD CONDON, III; AND  
CONDON & SKELLY, INS.,  
Respondents.

No. 55210

**FILED**

**AUG 06 2010**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order dismissing an insurance action under NRCP 4(i). Second Judicial District Court, Washoe County; Jerome Polaha, Judge.

At issue in this appeal is the denial of appellant's motion for a second 90-day extension of time to serve respondents and the resultant dismissal of appellant's complaint based on his failure to timely effectuate service under NRCP 4(i).

With regard to the denial of appellant's motion to enlarge the time for service, nothing in the record indicates that respondents deliberately evaded service. The record does establish, however, that appellant failed to explain why he did not serve respondents' resident agent during either the initial 120-day period or the 90-day extension that he was granted, and appellant failed to move the district court for the second 90-day extension until 40 days after the first extension period had expired. Thus, having considered the record on appeal and appellant's arguments in light of the factors set forth in Scrimmer v. District Court, 116 Nev. 507, 516, 998 P.2d 1190, 1195-96 (2000), we conclude that the district court properly denied appellant's motion for a second 90-day extension of

time to serve respondents. We thus affirm the district court's dismissal of appellant's complaint based on his failure to timely serve respondents.

It is so ORDERED.

1 Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Pickering, J.  
Pickering

cc: Hon. Jerome Polaha, District Judge  
Jason Eric Sonntag  
Richard Condon, III  
Condon & Skelly, Ins.  
Washoe District Court Clerk