

IN THE SUPREME COURT OF THE STATE OF NEVADA

PATRICK A. MISSUD AND JULIE
MISSUD, HUSBAND AND WIFE,
Appellants,
vs.
D.R. HORTON, INC. AND DHI
MORTGAGE COMPANY, LTD.,
Respondents.

No. 56502

FILED

NOV 22 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Angela
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order striking appellants' complaint and dismissing a real property and tort action. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

The district court determined that appellants should be sanctioned for abusive litigation tactics and that appellants were in contempt of a district court protective order. Based on these conclusions, the district court struck appellants' complaint and dismissed the case. Appellants now appeal from the district court order.

We review both a district court's sanction for abusive litigation tactics and a district court's contempt ruling for an abuse of discretion. Matter of Water Rights of Humboldt River, 118 Nev. 901, 907, 59 P.3d 1226, 1229-30 (2002); Young v. Johnny Ribeiro Building, 106 Nev. 88, 92,

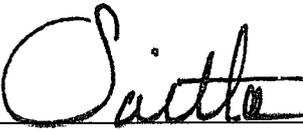
787 P.2d 777, 779 (1990). We have held that the authority to dismiss a case for “abusive litigation practices” is within the court’s “inherent equitable powers.” Young, 106 Nev. at 92, 787 P.2d at 779.

Appellants do not raise any challenge on appeal as to the district court’s findings that appellants engaged in abusive litigation tactics by contacting and threatening respondents’ employees, which resulted in those employees refusing to testify. Thus, we affirm the district court’s findings as to these facts. We also reject appellants’ arguments that the record was not considered by the district court, that insufficient evidence existed to support the findings of the district court or the sanctions imposed, or that their due process rights were violated, as the district court held an evidentiary hearing, considered the evidence presented, and properly addressed the necessary factors outlined in Young. Id. at 93-94, 787 P.2d at 780. We further conclude that appellants’ failed to adequately raise in district court their arguments that the protective order was a violation of their first amendment rights and that it was vague and overbroad; thus, they have waived these arguments on appeal. Appellants’ argument that they had insufficient time to comply with the protective order lacks merit, as appellant Patrick Missud admitted during the evidentiary hearing to intentionally violating the protective order. Finally, we reject appellants’ contentions that the order was procured by respondents’ fraud or misrepresentations or that a violation of SCR 3 occurred and prevented the sanctions issued in this matter.

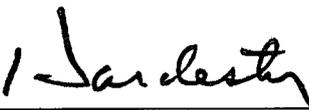
Based on the above discussion, we conclude that the district court did not abuse its discretion in sanctioning appellants for litigation

abuses or in finding them in contempt of court for violating the protective order. As a result, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Saitta


_____, J.
Douglas


_____, J.
Hardesty

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Patrick A. Missud
Julie Missud
Wood, Smith, Henning & Berman, LLP
Eighth District Court Clerk

¹We deny appellants' request to correct the appellate record and the motion to impose a moratorium on foreclosures in Nevada. We do not address appellants' other filings, as we determine that they do not seek any relief from this court but were provided for notice only.