

IN THE SUPREME COURT OF THE STATE OF NEVADA

TERRY KERR,  
Appellant,  
vs.  
BANK OF AMERICA, N.A.,  
Respondent.

No. 58346

**FILED**

NOV 14 2012

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Tracie K. Lindeman*  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court summary judgment in a tort action. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

Having reviewed the record and appellant's civil proper person appeal statement, we conclude that the district court properly granted respondent summary judgment because appellant failed to oppose the summary judgment motion. See Schuck v. Signature Flight Support, 126 Nev. \_\_\_, \_\_\_, 245 P.3d 542, 544 (2010) (explaining that when a party fails to make arguments against the grant of summary judgment in the district court, that party waives the right to make those arguments on appeal); see also DCR 13(3) (stating that a party's failure to oppose a motion is considered a consent to granting that motion). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

*Saitta*, J.  
Saitta

*Pickering*, J.  
Pickering

*Hardesty*, J.  
Hardesty

<sup>1</sup>We have considered appellant's remaining arguments on appeal and conclude that they lack merit.

cc: Hon. Patrick Flanagan, District Judge  
Terry Kerr  
Wright, Finlay & Zak, LLP/Las Vegas  
Washoe District Court Clerk