

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

REZA SAFAIE; FIRST BARSTOW
STORAGE, INC.; AND ROYAL
WESTMINISTER PROPERTIES, INC.,
Appellants,
vs.
REBECCA WHITLOCK-ALLOUCHE;
AND BREANNA WHITLOCK-
ALLOUCHE,
Respondents.

No. 66066

FILED

AUG 31 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from an amended district court judgment following a bench trial in a breach of contract action. Eighth Judicial District Court, Clark County; Allan R. Earl, Judge.

On appeal, appellants challenge only the district court's award of \$45,800 for the contents of respondents' warehouse and \$57,500 for the value of two motor vehicles. Specifically, they argue that no evidence was presented by respondents regarding the value of the contents of the warehouse or the motor vehicles, and that the award of \$45,800 for the warehouse contents was inconsistent with the initial findings of fact.

Having reviewed appellants' opening brief and appendix, we conclude that the district court's decision must be affirmed. It is appellants' "responsibility to cogently argue, and present relevant authority, in support of [their] appellate concerns," and when these requirements are not met, the appellate court need not consider appellants' arguments. *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006). Here, the argument section of appellants' opening brief consists of only two brief paragraphs and fails to

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cite any statutes, court rules, or case authority to support the assertions contained therein.¹ Under these circumstances, we decline to consider appellants' unsupported appellate arguments in resolving this matter. *Id.*

Moreover, appellants' appendix contains only three documents: the June 12, 2014, findings of fact and conclusions of law; the September 17, 2014, final judgment; and the December 30, 2014, amended final judgment. Appellants have not provided copies of any of the documents, motion practice, or other materials presented to the district court or any transcripts from the underlying bench trial or the hearing that resulted in the December 30 amended judgment.


It is well established that appellants have the burden of providing this court with an adequate appellate record. *Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007). And when "appellant[s] fail[] to include necessary documentation in the record, we necessarily presume that the missing portion supports the district court's decision." *Id.* Here, appellants have not provided us with any of


¹Respondents are proceeding pro se and did not request leave to file an answering brief. See NRAP 46(b) (providing that pro se parties may request leave to file written briefs and papers in accordance with the Nevada Rules of Appellate Procedure). Thus, this matter was submitted for decision on appellants' opening brief. Following the transfer of this case to the Nevada Court of Appeals, on June 8, 2015, respondents filed a document arguing against transferring their appeal to this court and instead asserting that the matter should be sent back to district court for further proceedings. To the extent that respondents are effectively seeking to have the challenged judgment reversed and remanded, any such arguments are not properly before us because respondents have not filed a notice of appeal challenging the district court's decisions. See *In re Duong*, 118 Nev. 920, 922, 59 P.3d 1210, 1212 (2002) (noting that "the proper and timely filing of a notice of appeal is jurisdictional").

the documents necessary to evaluate the district court conclusions challenged on appeal or assess the parties' respective district court arguments which resulted in these determinations. We therefore necessarily presume that the missing portions of the district court record supported the court's decision with regard to the valuations applied to the contents of the warehouse and the two motor vehicles. *See id.*

Accordingly, for the reasons set forth above, we
ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Chief Judge, Eighth Judicial District Court
Ara H. Shirinian, Settlement Judge
Hong & Hong
Breanna Whitlock-Allouche
Rebecca Whitlock-Allouche
Eighth District Court Clerk