

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF  
WILLIAM L. MILAN, DECEASED.

No. 74495

JACI ANN SMITH,  
Appellant,  
vs.  
BILLY V. MILAN,  
Respondent.

FILED

OCT 17 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Jaci Ann Smith appeals from a district court order granting a petition for attorney fees and costs related to a vexatious litigant determination pursuant to NRS 155.165. Eighth Judicial District Court, Clark County; Gloria Sturman, Judge.

Respondent Billy V. Milan, personal representative of the Estate of William L. Milan, obtained a ruling finding that Smith was a vexatious litigant pursuant to NRS 155.165 and issuing sanctions against Smith in an amount sufficient to reimburse attorney fees and costs incurred as a result of the vexatious filings. He subsequently brought a petition for those attorney fees and costs, which the district court granted. This appeal followed.


On appeal, Smith asserts that pro se litigants are the focus of vexatious litigant laws and that the case filings on her behalf were made by a Nevada attorney. While her briefing is not entirely clear, it seems that, based on this position, Smith believes that she should not have been deemed a vexatious litigant because she had counsel. This argument fails because


18-902475

there is nothing in NRS 155.165 that limits its application to pro se litigants. See NRS 155.165 (using the term “person” with regard to who may be deemed a vexatious litigant and not using any language to indicate a distinction between filings made by attorneys and non-attorneys).

To the extent Smith intended to raise any other challenges to the determination that she is a vexatious litigant, she has failed to support those challenges with cogent argument and therefore, we need not consider them. See *Edwards v. Emperor’s Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006). Further, Smith presented no argument against the actual award of attorney fees and costs and therefore, has waived any such argument. See *Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (stating that issues not raised in appellant’s opening brief are waived). Accordingly, we

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

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

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<sup>1</sup>We have considered Smith’s remaining arguments and conclude they do not provide a basis for relief.

cc: Hon. Gloria Sturman, District Judge  
Jaci Ann Smith  
McDonald Carano LLP/Las Vegas  
Eighth District Court Clerk