

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WENDELL DWAYNE O'NEAL,  
INDIVIDUAL,  
Appellant,  
vs.  
ROAD RUNNER RENTALS, INC.;  
ROAD RUNNER AUTO GROUP, INC.;  
EMPIRE FIRE & MARINE  
INSURANCE CO., INC.; CAROL  
MILLAUD, INDIVIDUALLY;  
MATTHEW WOLF, INDIVIDUALLY;  
JAMIE SANTOS, INDIVIDUALLY; AND  
UNIDENTIFIED INDIVIDUAL BOAZ,  
Respondents.

No. 72948

**FILED**

JUL 27 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Wendell Dwayne O'Neal appeals from a summary judgment order in a tort action. Eighth Judicial District Court, Clark County; Jennifer P. Togliatti, Judge; and James Crockett, Judge.<sup>1</sup>

O'Neal sued respondents below relating to a motor vehicle accident in which O'Neal was not involved. O'Neal sought injunctive relief as well as damages from respondents, alleging various illegal acts and other deeds by the parties and their counsel. Respondents filed a motion to dismiss, or, in the alternative, for summary judgment, arguing that O'Neal did not have standing to pursue his claims because he was not involved in the motor vehicle accident. The district court considered the record

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<sup>1</sup>Judge Crockett heard argument on the motion for summary judgment and granted the motion in open court. Judge Togliatti signed the written order granting the motion.

presented and granted respondents summary judgment on all claims. This appeal followed.


This court reviews a district court's order granting summary judgment de novo. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment is proper if the pleadings and all other evidence on file demonstrate that no genuine issue of material fact exists and that the moving party is entitled to judgment as a matter of law. *Id.* When deciding a summary judgment motion, all evidence must be viewed in a light most favorable to the nonmoving party. *Id.* General allegations and conclusory statements do not create genuine issues of fact. *Id.* at 731, 121 P.3d at 1030-31.

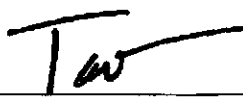
On appeal, O'Neal raises four issues he believes warrant reversal of the summary judgment. First, O'Neal asserts that the summary judgment was improper where the district court declined to rehear arguments on the motion. Under EDCR 2.24, in order for a motion once heard and disposed of to be reheard, the district court must first grant leave, and we see no abuse of such discretion in the district court declining to rehear this matter. *See AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 589, 245 P.3d 1190, 1197 (2010) (discussing the abuse of discretion standard for reviewing a motion for reconsideration). The second issue O'Neal raises is that the district court erred in determining he did not have standing because he produced documents showing insurance fraud. O'Neal, however, presents no cogent argument to show that the purported fraud somehow grants him standing to raise these claims, and as such we decline to consider it. *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (noting that claims that are not cogently argued need not be considered). O'Neal next claims that respondents

improperly presented the district court's minute order regarding its summary judgment to avoid compliance with a subpoena related to the case. To the extent that O'Neal is challenging the discovery order addressing this issue, we see no abuse of discretion in the denied enforcement of the subpoenas where the district court had already ruled on the summary judgment motion. *See Club Vista Fin. Servs., LLC v. Eighth Judicial Dist. Court*, 128 Nev. 224, 228, 276 P.3d 246, 249 (2012) (noting that discovery orders are generally reviewed for an abuse of discretion); *see also Johnson v. Wells Fargo Bank Nat'l Ass'n*, 132 Nev. \_\_\_, \_\_\_, 382 P.3d 914, 916 (2016). O'Neal also fails to show how the subpoenaed documents would create a genuine issue of material fact to defeat summary judgment. *See Wood*, 121 Nev. at 729, 121 P.3d at 1029. Finally, O'Neal asserts that the summary judgment here was begot by fraud on the part of the respondents. The record does not support this allegation and we therefore conclude there are no genuine issues of material fact remaining. *See id.*

Based on the foregoing, we necessarily

ORDER the judgment of the district court AFFIRMED.<sup>2</sup>

  
Silver, C.J.

  
Tao, J.

  
Gibbons, J.

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<sup>2</sup>We have considered O'Neal's other requests for relief and find no grounds for the relief requested. As such, all other requests for relief are therefore denied.

cc: Hon. James Crockett, District Judge  
Hon. Jennifer P. Togliatti, District Judge  
Wendell Dwayne O'Neal  
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas  
Cisneros & Marias  
Eighth District Court Clerk