

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF
REBECCA KAY CALABRESE,
DECEASED.

No. 79500-COA

RYAN MCMANIGAL,
Appellant,
vs.
BRIDGET BLACK; AND CHERYL
PARKER,
Respondents.

FILED

SEP 23 2020

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

ORDER OF AFFIRMANCE

Ryan McManigal appeals from a district court order appointing co-administrators and admitting a will to probate. Eighth Judicial District Court, Clark County; Gloria Sturman, Judge.

In the proceedings below, respondents initiated a probate matter and were appointed as special administrators. After McManigal submitted a will from 1996, respondents petitioned to terminate the Letters of Special Administration and convert the estate to a General Administration. At the hearing, McManigal appeared and opposed the petition, arguing that another will existed, but that respondent Bridget Black stole the will from the decedent's residence. The probate commissioner concluded that McManigal failed to provide any evidence demonstrating why the 1996 will should not be admitted to probate. Accordingly, the commissioner issued a report and recommendation, recommending that the special administration be closed; that the matter be converted from a Special Administration to General Administration; that the 1996 will be admitted to probate; that Letters of Administration be issued to respondents as co-administrators of the decedent's estate; and that

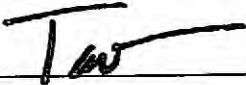
a citation be issued to McManigal to appear and show cause why he should not be found to have converted assets from the decedent's estate. The district court affirmed the commissioner's report and recommendation as no timely objection had been filed. This appeal followed.

On appeal, McManigal fails to provide any cogent argument addressing the district court's adoption of the report and recommendation. See *Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) ("Issues not raised in an appellant's opening brief are deemed waived."); *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (concluding that this court need not consider claims that are not cogently argued). Moreover, even if McManigal's assertions on appeal could be construed as challenging the district court's adoption of the report and recommendation, McManigal failed to file a timely objection to the report and recommendation. See EDCR 4.06(d) (providing that the failure to file a timely written request for judicial review and written objections to the probate commissioner's report and recommendation "will result in the automatic affirmance of the probate commissioner's recommendation by the probate judge").

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Gloria Sturman, District Judge
Ryan McManigal
Jeffrey Burr, Ltd.
Eighth District Court Clerk