

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IN THE MATTER OF THE ESTATE OF
SUSAN M. ROTELLA, DECEASED.

No. 81833-COA

ELIZABETH MAC DOWELL,
Appellant,
vs.
VICTORIA ROTELLA; AND ARIANA
DAVIS,
Respondents.

FILED

DEC 29 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Elizabeth Mac Dowell appeals from a district court order adopting the probate commissioner's report and recommendation related to the validity of her creditor's claim. Eighth Judicial District Court, Clark County; Gloria Sturman, Judge.

On July 22, 2020, the probate commissioner entered a written report and recommendation finding that appellant's creditor's claim in the amount of \$37,545.69 should be declared invalid as the statute of limitations to pursue the claim under NRS 11.190(1)(b) had expired. Neither party objected to the recommendation, and on August 20, 2020, the district court entered its order affirming the commissioner's recommendation and adopting his report and recommendation in full. This appeal followed.

On appeal, Mac Dowell 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 Mac Dowell's assertions on appeal could be construed as challenging the district court's adoption of the report and recommendation, Mac Dowell 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 conclude that the district court did not err when it adopted the probate commissioner's report and recommendation, and consequently we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Gloria Sturman, District Judge
Elizabeth Mac Dowell
Nehme-Tomalka & Associates
Law Office of Jill Hanlon
Eighth District Court Clerk