

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROWEN A. SEIBEL, INDIVIDUALLY  
AND ON BEHALF OF RARE  
PARTNERSHIP LLC, THE ESTATE OF  
NETTY WACHTEL SLUSHNY, AND  
SPA VENTURE VQR, LLC,

Appellant,

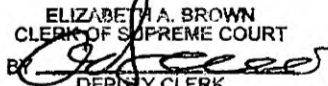
vs.

JUDE JEFFREY FREDERICK;  
JENNIFER FREDERICK; LV QUALITY  
HOME RENTALS LLC; TECHNOLOGY,  
ACCOUNTING & BUSINESS  
SERVICES, INC.; AND ELITE BRAND  
HOSPITALITY, LLC,  
Respondents.

No. 85420

**FILED**

SEP 14 2023

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is an appeal from a district court order granting summary judgment in a fraud action. Eighth Judicial District Court, Clark County; Elham Roohani, Judge.<sup>1</sup>

In 2008, appellant Rowen Seibel provided an investment to respondents Jude Jeffrey Frederick and Jennifer Frederick to assist them in opening a spa, and he provided them another investment in 2010 so they could open a restaurant. The spa closed in 2015 and Seibel received his last

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<sup>1</sup>Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted in this appeal.

payment for the spa in June 2016. Seibel had received 21 payments for the restaurant within 25 months, but the payments stopped after June 2016. In September 2017, Seibel flew to Las Vegas to confer with the Fredericks on many topics, including the fact he was owed money from the restaurant. Jeffrey Frederick refused to speak with Seibel. On May 5, 2021, Seibel filed the underlying fraud action concerning both the spa and the restaurant. Seibel sought a preliminary injunction to prevent the Fredericks from selling their house, but that motion was denied. The district court thereafter granted the Fredericks' motion for summary judgment, concluding that the action was barred by the statute of limitations.

On appeal, Seibel argues the district court erred in granting the Fredericks' motion for summary judgment because Seibel was not on notice of the claims until January 2020. We disagree. *See Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005) (explaining that this court reviews the granting of summary judgment de novo); *see also Bemis v. Estate of Bemis*, 114 Nev. 1021, 1025, 967 P.2d 437, 440 (1998) (holding that the time of discovery may be determined as a matter of law where "uncontroverted evidence irrefutably demonstrates [that the] plaintiff discovered or should have discovered the facts giving rise to the cause of action" (internal quotation marks omitted)). "[A]n action for relief on the ground of fraud" must be brought within three years. NRS 11.190(3)(d). The evidence in the record supports the district court's conclusion that Seibel was on inquiry notice as of September 2017. *See Winn v. Sunrise Hosp. & Med. Ctr.*, 128 Nev. 246, 252, 277 P.3d 458, 462 (2012) (explaining that a plaintiff is on inquiry notice when the plaintiff knows or should know facts that would lead an ordinary, prudent person to investigate the matter further). Seibel last received payments for both the spa and the restaurant

in June 2016, the Fredericks refused to speak with Seibel in September 2017, and Seibel admitted in his deposition that in September 2017, he believed he was owed money. Thus, the district court properly concluded that the statute of limitations barred Seibel's fraud action.<sup>2</sup>

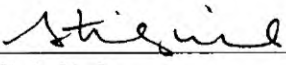
Concerning Siebel's argument that the district court should have granted his motion for a preliminary injunction before the summary judgment was entered, we conclude the district court did not abuse its discretion in denying that motion. *See Sowers v. Forest Hills Subdivision*, 129 Nev. 99, 108, 294 P.3d 427, 433 (2013) (explaining that this court reviews a district court's decision concerning a motion for a preliminary injunction for an abuse of discretion). Because Seibel's complaint sought only monetary damages, he failed to demonstrate that a denial of the preliminary injunction would result in an injury for which compensatory damages was insufficient. NRS 33.010; *Boulder Oaks Cmty. Ass'n v. B & J Andrews Enters., LLC*, 125 Nev. 397, 403, 215 P.3d 27, 31 (2009). Further, as Seibel's action was barred by the statute of limitations, he could not have demonstrated a reasonable likelihood of success on the merits warranting a preliminary injunction. *Boulder Oaks*, 125 Nev. at 403, 215 P.3d at 31 (providing that the moving party must demonstrate a reasonable likelihood

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<sup>2</sup>While Seibel argues the statute of limitations should have been tolled for 121 days by an executive directive tolling time limits due to Covid-19 shutdowns, this argument does not warrant reversal because even applying the extra 121 days, Seibel's complaint would still be untimely. To the extent Seibel asserts the statute of limitations was otherwise tolled, he fails to present cogent argument or relevant authority supporting those arguments. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (observing that it is appellant's responsibility to present cogent argument supported by salient authority).

of success on the merits to obtain a preliminary injunction). Accordingly,  
we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

  
\_\_\_\_\_, C.J.  
Stiglich

  
\_\_\_\_\_, J.  
Lee

  
\_\_\_\_\_, J.  
Bell

cc: Hon. Elham Roohani, District Judge  
Jonathan L. Andrews, Settlement Judge  
Rusby Law, PLLC  
Garson Segal Steinmetz Fladgate, LLP  
Olshan Frome Wolosky LLP  
Parsons Behle & Latimer/Reno  
Eighth District Court Clerk

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<sup>3</sup>To the extent Siebel's additional arguments are not addressed herein, we conclude they do not warrant relief.