

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CEDRIC GREENE,
Appellant,
vs.
LONG BEACH TRANSIT,
Respondent.

No. 87010-COA

FILED

FEB 28 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Cedric Greene appeals from a district court order dismissing a tort action for lack of personal jurisdiction. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

Greene, a California resident, filed the underlying action in the Eighth Judicial District Court against respondent Long Beach Transit, a California entity, based on an incident that took place in California, in which Greene was allegedly denied boarding on a Long Beach Transit bus. Long Beach Transit subsequently moved to dismiss the action arguing, among other things, that personal jurisdiction over it did not exist in the Nevada district courts. The district court subsequently granted the motion over Greene's opposition. This appeal followed.

We review a district court's resolution of personal jurisdiction issues de novo. *See Baker v. Eighth Jud. Dist. Ct.*, 116 Nev. 527, 531, 999 P.2d 1020, 1023 (2000). "[A] nonresident defendant must have sufficient minimum contacts with the forum state so that subjecting the defendant to the state's jurisdiction will not offend traditional notions of fair play and

substantial justice.” *Fulbright & Jaworski v. Eighth Jud. Dist. Ct.*, 131 Nev. 30, 36, 342 P.3d 997, 1001 (2015) (internal quotation marks and citation omitted). When a defendant challenges personal jurisdiction, the plaintiff must introduce evidence to make a prima facie showing that personal jurisdiction exists. *Trump v. Eighth Jud. Dist. Ct.*, 109 Nev. 687, 692, 857 P.2d 740, 743-44 (1993).

In granting the motion to dismiss for lack of personal jurisdiction, the district court concluded that Greene had failed to present any facts to establish that the court had personal jurisdiction over Long Beach Transit. On appeal, Greene fails to address the court’s determination on this point, and thus he has waived any challenge to the same. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that “[i]ssues not raised in an appellant’s opening brief are deemed waived”).

Instead, Greene summarily asserts that 28 U.S.C. § 1404(a) (providing that “[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented”) gives him “a legal path to enter Nevada” with his case. But Greene fails to offer any cogent argument or explanation as to how this federal statute—which addresses changing the place of trial in federal, rather than state courts—is relevant to a Nevada state district court’s personal jurisdiction over a non-resident defendant. Thus, we need not consider this assertion. *See Edwards v.*

Emperor's Garden Rest., 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006).

Accordingly, for the reasons set forth above, we affirm the district court's dismissal of Greene's complaint.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Mary Kay Holthus, District Judge
Cedric Greene
Olson, Cannon, Gormley, & Stoberski
Eighth District Court Clerk