

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LOUIS POPP,

Appellant,

vs.

THE STATE OF NEVADA
EMPLOYMENT SECURITY DIVISION;
KRISTINE NELSON, IN HER
CAPACITY AS ADMINISTRATOR OF
THE EMPLOYMENT SECURITY
DIVISION; AND J. THOMAS SUSICH,
IN HIS CAPACITY AS THE
CHAIRPERSON OF THE
EMPLOYMENT SECURITY DIVISION
BOARD OF REVIEW,
Respondents.

No. 88178-COA

FILED

MAY 16 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Louis Popp appeals from a district court order dismissing a petition for judicial review in an unemployment compensation matter. Eighth Judicial District Court, Clark County; Gloria Sturman, Judge.

In 2021, Popp sought unemployment benefits, and ESD ultimately found him ineligible for certain periods of time and eligible for other periods but reduced his benefit amount based on pension payments he was receiving. These determinations were ultimately upheld following appeals before an appeals referee and the Board of Review. Thereafter, he timely filed a petition for judicial review on May 31, 2023,¹ but did not serve respondents with the petition within the 45-day time period required by NRS 612.530(2). Popp ultimately served respondents on September 8, 2023, more than three months after filing his petition.

Respondents subsequently filed a motion to dismiss the petition, arguing dismissal was mandatory under NRS 612.530(2) because

the petition was not timely served. Popp filed an opposition, but the district court granted the motion to dismiss. This appeal followed.

On appeal, Popp challenges the district court's order dismissing his petition for judicial review based on his failure to timely serve respondents, arguing the dismissal was improper based on public policy and due process concerns. We review an order granting a motion to dismiss for failure to effect timely service of process for an abuse of discretion. *Abreu v. Gilmer*, 115 Nev. 308, 312-13, 985 P.2d 746, 749 (1999). Our consideration of whether the district court's dismissal of Popp's petition for judicial review was proper begins by examining NRS 612.530, which sets forth the procedure for seeking judicial review of a Board of Review decision in an unemployment matter. This court reviews issues of statutory construction de novo but will review a district court's factual findings for an abuse of discretion. *See, e.g., Spar Bus. Servs., Inc. v. Olson*, 135 Nev. 296, 298, 448 P.3d 539, 541 (2019) (reviewing statutory construction de novo but reviewing a good cause determination for an abuse of discretion).

NRS 612.530 provides that a petitioner may secure judicial review of an adverse Board of Review decision by commencing an action in the district court, and that the petition for judicial review "must" be served on the Administrator within 45 days after the commencement of the action. NRS 612.530(1), (2). The supreme court has held that strict compliance with statutory provisions is a precondition to judicial review. *Kame v. Emp't Sec. Dep't*, 105 Nev. 22, 25, 769 P.2d 66, 68 (1989).

In this case, it is undisputed that Popp failed to serve respondents within the 45-day service period, as required by NRS 612.530(2). A review of the plain language of NRS 612.530(2)'s requirement that the petition "must, within 45 days after the commencement of the

action, be served,” reflects that the Legislature did not provide any discretion to extend the service deadline. Our supreme court recently considered this issue in two unpublished orders and, after examining the statute, likewise concluded that the service deadline in NRS 612.530(2) is mandatory and cannot be extended. *See Nokley v. Emp’t Sec. Div.*, No. 85045, 2023 WL 3441031, *1 (Nev. May 12, 2023) (Order of Affirmance) (concluding NRS 612.530(2)’s 45-day service period is “mandatory and must be strictly enforced”); *see also Chopra v. Emp’t Sec. Div.*, No. 82681, 2021 WL 5276338, *2 (Nev. Nov. 10, 2021) (Order of Affirmance) (affirming the dismissal of a petition for judicial review in an unemployment matter for failure to timely serve the petition and rejecting the argument that the district court failed to consider whether good cause existed to extend the service deadline).

Notably, in *Nokley*, 2023 WL 3441031, *1, the supreme court explained that it had previously determined, in *Spar Business Services, Inc.*, 135 Nev. at 298, 448 P.3d at 541, that the district court could extend the time for service upon a showing of good cause under a prior version of NRS 612.530(2). However, shortly thereafter, the Legislature amended that statute to provide that the petition “must, within 45 days after the commencement of the action, be served.” *Nokley*, 2023 WL 3441031, *1 (quoting 2020 Nev. Stat. 32 Spec. Sess., ch. 7, § 11, at 87). The supreme court concluded that, since the new statutory language—amended following *Spar*—did not suggest any discretion to extend the service period, the 45-day service deadline was mandatory. *Id.* Based on the foregoing analysis, we conclude—in line with the supreme court—that dismissal of Popp’s petition for judicial review was mandated. *See Kame*, 105 Nev. at 25, 769 P.2d at 68.

In reaching this conclusion, we reject Popp's arguments that the service-based dismissal violated both his due process rights and public policy. As an initial matter, Popp fails to cite any authority to support these contentions and, thus, we need not consider them. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that this court need not consider an appellant's argument that is not cogently argued or lacks the support of relevant authority). Additionally, with respect to due process, while Popp argues that respondents' notice regarding his appeal rights failed to inform him that he was also required to serve his petition, he fails to demonstrate that respondents were obligated to provide such information or that they did not comply with the requirements set forth in the controlling statutes. *See, e.g., Dep't of Conservation v. Foley*, 121 Nev. 77, 82-83, 109 P.3d 760, 763 (2005) (explaining that, absent some obligation to give notice beyond the statutory requirements, compliance with such requirements satisfies due process obligations).

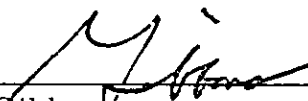
Turning to Popp's contention that he was unaware of the service requirement or that the failure to comply with the service deadline would result in dismissal, this argument likewise does not provide a basis for relief. Popp's argument in this regard is centered on the fact that he was proceeding pro se in the district court when he filed his petition for judicial review and only later obtained counsel, who filed his opposition to the motion to dismiss. But Popp's lack of knowledge of the service requirement and the consequences of his non-compliance does not excuse his failure to comply with the controlling statute as it is well-established that pro se parties are generally held to the same standards as other litigants and may not use ignorance as an excuse for failing to comply with procedural rules.


See Rodriguez v. Fiesta Palms, LLC, 134 Nev. 654, 659, 428 P.3d 255, 258-59 (2018) (noting there are no special rules for pro se litigants and explaining that “a pro se litigant cannot use his alleged ignorance as a shield to protect him from the consequences of failing to comply with basic procedural requirements”), *holding modified on other grounds by Willard v. Berry-Hinckley Indus.*, 136 Nev. 467, 469 P.3d 176 (2020).

Based on the foregoing analysis, we conclude that the district court properly dismissed Popp’s petition for judicial review. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Gloria Sturman, District Judge
Nevada Legal Services/Las Vegas
State of Nevada/DETR - Las Vegas
State of Nevada/DETR - Carson City
Eighth District Court Clerk