

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALLANNA WARREN,
Appellant,
vs.
THE CITY OF LAS VEGAS NEVADA;
THE COUNTY OF CLARK NEVADA;
AND LAS VEGAS METROPOLITAN
POLICE DEPARTMENT,
Respondents.

No. 89124-COA

FILED

AUG 12 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Melissa Kelle*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Allanna Warren appeals from a district court order granting a motion to dismiss in a civil action. Eighth Judicial District Court, Clark County; Gloria Sturman, Judge.

Warren filed a complaint in which, among other things, she raised several causes of action alleging employees of respondent Las Vegas Metropolitan Police Department (LVMPD) engaged in various unethical behaviors and that they committed several violations of federal and state law. In addition, Warren alleged that respondents City of Las Vegas (Las Vegas) and the "County of Clark Nevada" (Clark County) were responsible for the LVMPD and thus liable for the acts or omissions of the LVMPD employees. Warren thereafter filed affidavits stating she had served Las Vegas and Clark County with the summons and the complaint, but she did not do so for LVMPD.

Las Vegas filed a motion to dismiss Warren's complaint and Clark County subsequently filed a joinder to that motion. Las Vegas and Clark County contended that LVMPD was a separate entity and that the

sheriff and LVMPD itself were responsible for the policies, procedures, and any acts or omissions of employees of LVMPD. *See* NRS 280.121(1) (stating the sheriff of the county in which a metropolitan police department is located is “[t]he “chief law enforcement officer”); NRS 280.280(4) (stating a metropolitan police department is the entity “responsible for the defense of any claim and for any judgment arising out of any act or omission to act on the part of the committee, the sheriff, or any officer, employee or agent of the department”); NRS 280.307 (authorizing the sheriff to “adopt such policies, procedures, rules and regulations for the administration of the department and the employees of the department”).

Warren filed an opposition to the motion to dismiss. Warren contended that Las Vegas and Clark County funded LVMPD and were thus responsible for any financial liabilities incurred by LVMPD. Warren also filed a motion for a default judgment, contending that a default judgment was appropriate because Las Vegas and Clark County failed to timely file answers to her complaint. Las Vegas and Clark County thereafter opposed Warren’s motion for a default judgment. In addition, Warren filed a separate motion seeking a default judgment as to LVMPD, alleging she had sent the complaint to LVMPD’s counsel but that it had not yet responded to the complaint.

Warren later sought disqualification of the district court judge because she alleged the judge was biased against her. The district court judge filed a response to Warren’s assertions. The Chief Judge subsequently issued an order denying Warren’s request for disqualification of the district court judge, finding that Warren failed to demonstrate that disqualification was warranted.

The district court thereafter denied Warren's motion for a default judgment, finding Las Vegas and Clark County timely filed the motion to dismiss and joinder and that Warren's request for a default judgment was unwarranted. The district court also granted the motion to dismiss, determining that dismissal was appropriate because LVMPD was a separate entity from Las Vegas and Clark County and neither entity was legally responsible for the acts or omissions of the employees of LVMPD. The district court also dismissed LVMPD from this matter based on Warren's failure to timely serve LVMPD with the summons and complaint. This appeal followed.

First, Warren contends that the district court erred by denying her motion for a default judgment. We review a district court's decision concerning default judgments for an abuse of discretion. *Lindblom v. Prime Hosp. Corp.*, 120 Nev. 372, 375, 90 P.3d 1283, 1284 (2004). "An abuse of discretion occurs if the district court's decision is arbitrary or capricious or if it exceeds the bounds of law or reason." *Skender v. Brunsonbuilt Constr. & Dev. Co.*, 122 Nev. 1430, 1435, 148 P.3d 710, 714 (2006) (internal quotation marks omitted). "Default judgments are only available as a matter of public policy when an essentially unresponsive party halts the adversarial process." *Lindblom*, 120 Nev. at 376, 90 P.3d at 1285; *cf.* NRCP 55(a) ("When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.").

Here, the district court reviewed the record and concluded Las Vegas and Clark County filed a motion to dismiss and that a default judgment was unwarranted as they had timely defended against Warren's complaint. *See* NRCP 12(b)(5) (permitting parties to assert a defense of

“failure to state a claim upon which relief can be granted” via motion). The record supports the district court’s decision and we therefore determine that the district court’s denial of Warren’s motion was not arbitrary or capricious and that it did not exceed the bounds of law or reason. Accordingly, Warren is not entitled to relief based on this argument.¹

Second, Warren challenges the district court’s decision to grant the motion to dismiss. We rigorously review a district court order granting an NRCP 12(b)(5) motion to dismiss, accepting all of the plaintiff’s factual allegations as true and drawing every reasonable inference in the plaintiff’s favor to determine whether the allegations are sufficient to state a claim for relief. *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008). A complaint should be dismissed for failure to state a claim “only if it appears beyond a doubt that [the plaintiff] could prove no set of facts, which, if true, would entitle [the plaintiff] to relief.” *Id.* at 228, 181 P.3d at 672.

Because Nevada is a “notice-pleading” jurisdiction, *see* NRCP 8(a), a complaint need only set forth a short and plain statement with sufficient facts to demonstrate the necessary elements of a claim for relief

¹To the extent Warren challenges any decision to decline to enter a default judgment as to LVMPD, she is not entitled to relief. As Warren did not complete service of process for LVMPD, the district court did not err by declining to enter a default judgment against LVMPD. *See* NRCP 4 (requiring the summons and complaint to be served on any defendants); *C.H.A. Venture v. G.C. Wallace Consulting Eng’rs, Inc.*, 106 Nev. 381, 383-84, 794 P.2d 707, 708-09 (1990) (stating “[a] district court is empowered to render a judgment either for or against a person or entity only if it has jurisdiction over the parties and the subject matter” and “notice is not a substitute for service of process. Personal service or a legally provided substitute must still occur in order to obtain jurisdiction over a party.”).

so that the opposing party “has adequate notice of the nature of the claim and relief sought.” *W. States Constr., Inc. v. Michoff*, 108 Nev. 931, 936, 840 P.2d 1220, 1223 (1992); *see also Droge v. AAAA Two Star Towing, Inc.*, 136 Nev. 291, 308-09, 468 P.3d 862, 878-79 (Ct. App. 2020) (discussing Nevada’s liberal notice pleading standard). We “liberally construe pleadings to place matters into issue which are fairly noticed to an adverse party.” *Hall v. SSF, Inc.*, 112 Nev. 1384, 1391, 930 P.2d 94, 98 (1996) (citation omitted).

As stated previously, the district court granted the motion to dismiss because Warren raised claims concerning the actions of LVMPD’s employees and it found LVMPD was a separate entity from Las Vegas and Clark County such that they were not legally responsible for the acts or omissions of the employees of LVMPD. *See* NRS 280.121(1); NRS 280.280(4); NRS 280.307. However, in her informal brief, Warren fails to address, or even acknowledge, the court’s decision to grant the motion to dismiss on the basis that LVMPD is a separate entity from Las Vegas and Clark County. As a result, Warren forfeited any challenge to the district court’s decision to dismiss the complaint on that ground, and she has therefore failed to establish a basis for reversal. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that issues an appellant does not raise on appeal are waived).

Next, Warren argues the district court’s decision to grant the motion to dismiss violated her right to a jury trial. However, “[t]he right to a jury trial is not violated where a plaintiff has not stated a claim on which relief may be granted.” *Taylor v. Colon*, 136 Nev. 434, 436, 482 P.3d 1212, 1215 (2020). As explained previously, Warren failed to demonstrate the district court erred by determining she had not stated a claim on which relief may be granted. Accordingly, Warren does not demonstrate the

district court violated her right to a jury trial by granting the motion to dismiss and, thus, relief is unwarranted based on this argument.

Next, Warren argues the Chief Judge abused his discretion by denying her request to disqualify the district court judge. Warren contends the district court judge was biased against her and did not treat her fairly.

We review a decision concerning a motion to disqualify a district court judge for an abuse of discretion. *See Ivey v. Eighth Jud. Dist. Ct.*, 129 Nev. 154, 162, 299 P.3d 354, 359 (2013). “A judge is presumed to be unbiased, and the burden is on the party asserting the challenge to establish sufficient factual grounds warranting disqualification.” *Rivero v. Rivero*, 125 Nev. 410, 439, 216 P.3d 213, 233 (2009) (internal quotation marks omitted), *overruled on other grounds by Romano v. Romano*, 138 Nev. 1, 6, 501 P.3d 980, 984 (2022).

Here, the Chief Judge reviewed Warren’s request to disqualify the district court judge and the district court judge’s response, in which the district court judge denied improper bias. The Chief Judge thereafter denied Warren’s request. In so doing, the Chief Judge concluded that disqualification was unwarranted because Warren had failed to show the district court judge exhibited improper bias.


We conclude Warren fails to demonstrate the Chief Judge abused his discretion by denying the motion to disqualify the district court judge. The record supports the Chief Judge’s finding that Warren failed to establish factual grounds warranting disqualification. *See id.* Moreover, Warren does not demonstrate the district court judge’s decisions in the underlying case were based on knowledge acquired outside of the proceedings and the judge’s decisions do not otherwise reflect “a deep-seated favoritism or antagonism that would make fair judgment impossible.”

Canarelli v. Eighth Jud. Dist. Ct., 138 Nev. 104, 107, 506 P.3d 334, 337 (2022) (internal quotation marks omitted) (explaining that unless an alleged bias has its origins in an extrajudicial source, disqualification is unwarranted absent a showing that the judge formed an opinion based on facts introduced during official judicial proceedings and which reflects deep-seated favoritism or antagonism that would render fair judgment impossible); see *In re Petition to Recall Dunleavy*, 104 Nev. 784, 789, 769 P.2d 1271, 1275 (1988) (providing that rulings made during official judicial proceedings generally “do not establish legally cognizable grounds for disqualification”). Warren is therefore not entitled to relief based on this argument.

In light of the foregoing analysis, we conclude that Warren is not entitled to relief, and we therefore

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

²Insofar as Warren raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.

cc: Hon. Gloria Sturman, District Judge
Allanna Warren
Clark County District Attorney/Civil Division
Las Vegas Metropolitan Police Department
Las Vegas City Attorney
Eighth District Court Clerk