

IN THE SUPREME COURT OF THE STATE OF NEVADA

MARILAN SHIH-HSIEH,
Appellant,
vs.
MGM GRAND HOTEL, INC., D/B/A
MGM GRAND HOTEL CASINO AND
THEME PARK, A NEVADA
CORPORATION,
Respondent.

No. 40125

FILED

SEP 23 2005

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing appellant's complaint as a sanction for her failure to comply with discovery. Eighth Judicial District Court, Clark County; Joseph S. Pavlikowski, Judge.

A district court's decision to dismiss a complaint as a sanction for discovery abuses is reviewed for abuse of discretion.¹ But when the sanction imposed is dismissal with prejudice, a heightened standard of review applies.² Nevertheless, we will uphold a dismissal with prejudice when "the normal adversary process has been halted due to an unresponsive party."³

Here, appellant persistently refused to comply with respondent's requests for information concerning a witness to the incident


¹Hamlett v. Reynolds, 114 Nev. 863, 865, 963 P.2d 457, 458 (1998).

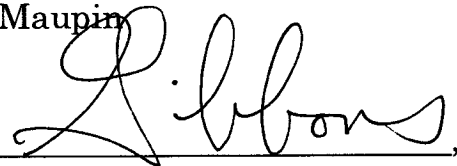
²Id. (citing Young v. Johnny Ribeiro Building, 106 Nev. 88, 787 P.2d 777 (1990)).

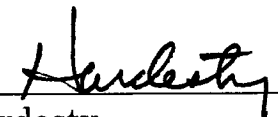
³Id. (quoting Skeen v. Valley Bank of Nevada, 89 Nev. 301, 303, 511 P.2d 1053, 1054 (1973)).

that allegedly injured appellant. The information was especially relevant to appellant's claims because it was not clear where the incident took place—on respondent's property or on adjacent property. We thus conclude that the district court did not abuse its discretion in dismissing appellant's complaint with prejudice, and so we

ORDER the judgment of the district court AFFIRMED.⁴


_____, J.
Maupin


_____, J.
Gibbons


_____, J.
Hardesty

cc: Hon. Joseph S. Pavlikowski, Senior Judge
Marilan Shih-Hsieh
Wolfenzon Law Group
Clark County Clerk

⁴Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from her, and we deny any relief requested as moot in light of this order.