

1 **ORDER**

2
3 **DISTRICT COURT**
4 **CLARK COUNTY, NEVADA**

5 RUSSELL GREER, APPELLANT

CASE NO.: A-26-941323-A

6 VS.

JC CASE NO.: 26E003020

7 MICHAEL SCHAEFER, RESPONDENT

8 DEPARTMENT: 17

9
10 **ORDER OF AFFIRMANCE**

11 The above-entitled action is an appeal from Justice Court, Las Vegas Township. The
12 Order of Summary Eviction in Justice Court is dated February 23, 2026 and the Order regarding
13 Motion to Stay and Motion to Set Aside is dated February 25, 2026. Appellant’s Notice of
14 Appeal was filed in Justice Court on February 26, 2026.

15 Litigants in Justice Court are authorized by law to appeal summary eviction orders,
16 pursuant to the case of *Lippis v. Peters*, 112 Nev. 1008 (1996) and NRS Chapter 40. Under the
17 Constitution of the State of Nevada, Section 6, district courts have “final appellate jurisdiction
18 in cases arising in Justice Courts.” JCRCP 72A allows an aggrieved party to appeal a judgment
19 in a civil action, and the district court “may consider errors of law and the sufficiency of the
20 evidence, and may remand for a new trial whether or not a motion for new trial has been made.”¹

21 Pursuant to JCRCP 76A, which proscribes the powers of the district court on appeal,
22 “[a] case appealed must not be tried anew...[u]pon an appeal heard upon the record or a
23 statement of the case, the district court may review all orders affecting the judgment appealed
24 from and may set aside, or confirm, or modify, any or all of the proceedings subsequent to and
25 dependent upon such judgment, and may, if necessary or proper, order a new trial.”

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28 ¹ The District Court recognizes that JCRCP 2 indicates that as to summary eviction proceedings “Rules governing summary evictions commence with Rule 101”; however in absence of any other appellate rule, the District Court refers to JCRCP 72 through 76B as persuasive guidance.

1 A lower court's "factual findings...are given deference and will be upheld if not clearly
2 erroneous and if supported by substantial evidence." *Ogawa v. Ogawa*, 125 Nev. 660, 668, 221
3 P.3d 699, 704 (2009); see also *Nelson v. Peckham Plaza Partnerships*, 110 Nev. 23, 25, 866
4 P.2d 1138, 1139 (1994). "Substantial evidence is evidence that a reasonable mind might accept
5 as adequate to support a conclusion." *Id.* "Where there is conflicting testimony presented," it is
6 for the trier of fact "to determine what weight and credibility to give to the testimony." *Bolden*
7 *v. State*, 97 Nev. 71, 73, 624 P.2d 20, 20 (1981).

8 This Court is not the appropriate forum to accept additional evidence related to the
9 Summary Eviction and related proceedings beyond that presented before the lower court.
10 Therefore, this Court is limited to making legal rulings on the evidence and defenses asserted
11 below and cannot, for the first time on appeal, consider additional evidence on arguments that
12 were not presented in the lower court.

13 This Court has reviewed the above-entitled appeal and FINDS that:

- 14 • Appellant was properly served with the Notice(s) of Eviction.
- 15 • Tenant filed an Affidavit/Answer to the Complaint.
- 16 • A hearing was held and testimony was taken at which point the Court ruled based
17 on the evidence that eviction was proper.
- 18 • Tenant cannot assert a habitability defense, because rent has not been deposited
19 into the lower court's escrow account pursuant to statute.
- 20 • Appellant admits the nonpayment of rent.
- 21 • A hearing was held and Appellant was found to not have paid the appropriate
22 rent.
- 23 • Landlord is not required under Nevada Law to accept a partial or late payment.
- 24 • Tenant provides no legal defense to the non-payment of rent.
- 25 • Thereafter, Appellant filed a Motion to Stay Eviction which was DENIED.

26 On appeal, this Court can only consider errors of law or sufficiency of the evidence.
27 Upon review of the record, this Court does not find the Justice Court's ruling was in error and
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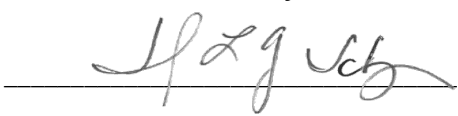
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further finds that there was sufficient evidence to support the order of summary eviction. Thus, the order of summary eviction is **AFFIRMED**.

COURT ORDERS the summary eviction order and the order denying stay of eviction by the Justice Court **AFFIRMED**.

COURT FURTHER ORDERS the District Court case is **CLOSED**.

COURT FURTHER ORDERS BOND, if any, returned to the Appellant.
Dated this 23rd day of March, 2026



A5B 31B 2916 6F41
Jennifer Schwartz
District Court Judge

1 **CSERV**

2
3 DISTRICT COURT
CLARK COUNTY, NEVADA

4
5
6 Russell Greer, Appellant

CASE NO: A-26-941323-A

7 vs.

DEPT. NO. Department 17

8 Michael Schaefer, Respondent

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10 **AUTOMATED CERTIFICATE OF SERVICE**

11 Electronic service was attempted through the Eighth Judicial District Court's
12 electronic filing system, but there were no registered users on the case.

13
14 If indicated below, a copy of the above mentioned filings were also served by mail
15 via United States Postal Service, postage prepaid, to the parties listed below at their last
known addresses on 3/24/2026

16 Michael Schaefer

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103
Las Vegas, NV, 89119

18 Russell Greer

3930 University Center Dr
#103
Las Vegas, NV, 89119

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