

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

WILBERT ROY HOLMES,  
Appellant,  
vs.  
ERNEST MILLER; AND CAPUCINE  
YOLANDA HOLMES,  
Respondents.

No. 83902-COA

FILED

DEC 27 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

*ORDER DISMISSING APPEAL IN PART  
AND AFFIRMING IN PART*

Wilbert Roy Holmes appeals from a district court order granting summary judgment. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

Wilbert and respondent Capucine Yolanda Holmes were divorced by way of a decree of divorce entered in a separate action in June 2017. Since that time, Wilbert has filed numerous actions against Capucine and her associates, making various allegations, and Wilbert has been declared a vexatious litigant. *See Holmes v. Holmes*, No. 81223-COA, 2021 WL 463639, at \*2 (Ct. App. Feb. 8, 2021) (Order Dismissing Appeal in Part and Affirming in Part) (affirming the district court's order declaring Wilbert a vexatious litigant). As relevant here, Wilbert filed a complaint against Capucine and others again alleging intentional infliction of emotional distress. Capucine filed an answer and counterclaim, asserting claims for abuse of process, declaratory relief, and injunctive relief. She later filed a

motion for summary judgment as to the claims against her in Wilbert's complaint and the claims in her counterclaim. After a hearing, the district court granted her motion for summary judgment and this appeal followed.

On appeal, Wilbert challenges the district court's order granting summary judgment in favor of Capucine. As an initial matter, our review of the documents submitted to this court pursuant to NRAP 3(g) reveals a jurisdictional defect. Insofar as Wilbert challenges the district court's grant of summary judgment, the order is not a final judgment adjudicating all parties' rights and liabilities, as there remain pending claims against other defendants below and the district court did not certify its summary judgment as final pursuant to NRCP 54(b). NRAP 3A(b)(1); *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). Thus, the only portion of the district court's order properly before this court in this appeal is the grant of a permanent injunction. See NRAP 3A(b)(3) (providing that an order granting an injunction is an appealable determination). Accordingly, we dismiss this appeal insofar as it challenges the order granting summary judgment and only address the portion of the order granting injunctive relief.

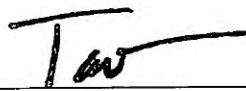
As to the district court's grant of injunctive relief to Capucine, Wilbert has failed to offer any cogent argument challenging the basis of the district court's order. Thus, he has waived any such challenge and we necessarily must affirm the district court's grant of injunctive relief. See *Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that arguments not raised on appeal are deemed waived); *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130

P.3d 1280, 1288 n.38 (2006) (holding that the court need not consider claims that are not cogently argued).

Based on the foregoing, we dismiss this appeal in part, and we affirm the district court's grant of injunctive relief.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Chief Judge, Eighth Judicial District Court  
Eighth Judicial District Court, Dept. 17  
Wilbert Roy Holmes  
Ernest Miller  
Heaton Fontano, Ltd.  
Eighth District Court Clerk