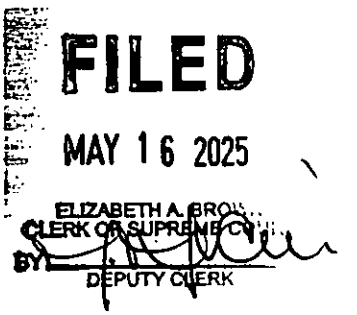
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GABRIEL A. MAALOUF,
Appellant,
vs.
SOUTH VALLEY CLAIMS; DONALD C. CHANG; AND DMI INSURANCE SERVICES,
Respondents.

No. 88337-COA



ORDER OF AFFIRMANCE

Gabriel A. Maalouf appeals from a district court order granting summary judgment. Eighth Judicial District Court, Clark County; Jacob A. Reynolds, Judge.

On April 14, 2016, Maalouf filed a complaint against non-party Praetorian Insurance Company alleging negligence, breach of contract, and breach of the implied covenant of good faith and fair dealing arising out of a claim he made with Praetorian for uninsured and/or underinsured motorist benefits relating to a 2008 motor vehicle accident. Praetorian moved for summary judgment arguing that negligence claims do not exist against an insurer as a matter of law, the breach of contract claim failed because Praetorian had paid the benefits that were owed under the applicable policy, and Maalouf was barred from re-litigating his damages

claim from the accident because those damages were already decided in a prior court-annexed arbitration. It further argued the breach of the implied covenant of good faith and fair dealing claim failed because Praetorian did not deny Maalouf benefits and had paid all benefits owed to him on March 2, 2017, when it paid Maalouf the $1,500 arbitration award plus statutory interest.

Summary judgment was granted in Praetorian's favor over Maalouf's opposition as the district court found that Praetorian had satisfied all of its obligations to Maalouf and that issue preclusion barred his claims given the prior arbitration award. The court further held that any challenges as to the propriety of the arbitration needed to be asserted in the arbitration action. This court affirmed that grant of summary judgment in a prior appeal, noting that "the proper forum to address any alleged impropriety in the arbitration was in the prior proceedings not the underlying matter." *See Maalouf v. Praetorian Ins. Co.*, No. 73640-COA, 2018 WL 5881570, at *1 (Nev. Ct. App. Nov. 7, 2018) (Order of Affirmance).

On June 11, 2023, Maalouf filed the operative complaint in this appeal against respondents South Valley Claims (Praetorian's third-party administrator with respect to the underlying accident), Donald Chang (a former employee of South Valley Claims), and DMI Insurance Services Inc. In this complaint, Maalouf alleged that respondents failed to properly process his claim with respect to the 2008 motor vehicle accident, failed to inform him of the available coverages he had pursuant to his Praetorian insurance policy, and breached the Praetorian insurance contract. Thus, the complaint alleged claims for breach of contract, breach of the covenant

of good faith and fair dealing, bad faith, unjust enrichment, conversion, punitive damages and fraud/misrepresentation.

Respondents collectively moved for summary judgment arguing that the causes of action were untimely filed and barred under issue preclusion. Maalouf filed an opposition and respondents filed a reply. Subsequently, the district court entered an order granting summary judgment. The court found that all of the claims were time-barred. The court further determined that all of Maalouf's claims were barred by the doctrine of issue preclusion. This appeal from the district court's summary judgment order followed.

On appeal, Maalouf's main arguments appear to be that relief is warranted because of respondents' alleged failures to properly process his claim from the 2008 motor vehicle accident, and that the arbitration award was invalid. Notably, while Maalouf challenges the grant of summary judgment on statute of limitations grounds, he does not challenge or otherwise address the district court's grant of summary judgment pursuant to issue preclusion.

As this court has previously stated, when a district court resolves a case on multiple grounds and the appellant fails to challenge each alternative ground on appeal from the final judgment, those challenges are waived, "thereby foreclosing [the] appeal as it concerns the district court's . . . ruling." *See Hung v. Genting Berhad*, 138 Nev. 547, 547-48, 513 P.3d 1285, 1286 (Ct. App. 2022). Here Maalouf's failure to challenge the court's alternate conclusion that summary judgment should be granted on

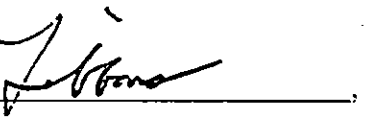
issue preclusion grounds supports affirming the district court's decision to grant the motion for summary judgment.

Accordingly, we

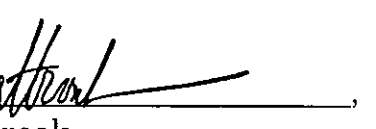
ORDER the judgment of the district court AFFIRMED.[1]



_____, C.J.
Bulla



_____, J.
Gibbons



_____, J.
Westbrook

cc: Hon. Jacob A. Reynolds, District Judge
Gabriel A. Maalouf
Murchison & Cumming, LLC/Las Vegas
Eighth District Court Clerk

[1]Insofar as Maalouf raises arguments that are not specifically addressed in this order, we have considered these arguments and conclude they need not be addressed given our resolution of this matter.