

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVE MICHAEL COX,  
Appellant,  
vs.  
NEVADA INSURANCE GUARANTY  
ASSOC.; AND PHICO INSURANCE CO.,  
Respondents.

No. 43382

FILED

JAN 06 2005

ORDER OF AFFIRMANCE

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

This is a proper person appeal from a summary judgment in respondents' favor. The district court granted summary judgment below because a federal district court had already determined that Dr. Eric Stokmanis and Laurie Ross, R.N., were not liable to appellant for the damages he claimed arose out of his medical treatment following a prison stabbing. Consequently, the Nevada court concluded that appellant was collaterally estopped from re-litigating this issue.<sup>1</sup> Because the underlying liability of Stokmanis and Ross had already been decided, no material issue of fact remained as to the liability of Phico Insurance Co. as the liability insurer for Stokmanis and Ross, and Nevada Insurance Guaranty Association as the statutory surrogate for insolvent Phico.<sup>2</sup>

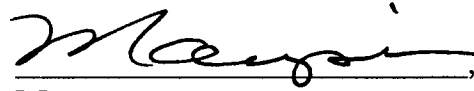
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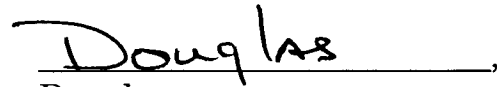
<sup>1</sup>See LaForge v. State, University System, 116 Nev. 415, 997 P.2d 130 (2000); Executive Mgmt. v. Ticor Title Ins. Co., 114 Nev.823, 963 P.2d 465 (1998).

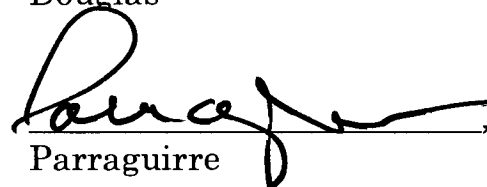
<sup>2</sup>See NRCP 56(c) (stating that summary judgment is available if there is no genuine dispute over a material fact and the moving party is entitled to judgment as a matter of law).

We have reviewed the record in this case, and conclude that the district court correctly granted summary judgment to respondents.<sup>3</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>4</sup>

  
Maupin, J.  
Maupin

  
Douglas, J.  
Douglas

  
Parraguirre, J.  
Parraguirre

cc: Hon. Dan L. Papez, District Judge  
Steve Michael Cox  
Marquis & Aurbach  
White Pine County Clerk

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<sup>3</sup>Pegasus v. Reno Newspapers, Inc., 118 Nev. 706, 713, 57 P.3d 82, 87 (2002) (stating that this court reviews a district court's grant of summary judgment de novo).

<sup>4</sup>In light of this order, NIG's motion for leave to file an appellate brief is denied as moot.