

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT B. METZ,
Appellant
vs.,
KENT B. HANSON; GARY DERKS;
MIKE JACK; AND AMERICAN
LIBERTY INVESTMENTS, INC.,
Respondents.

No. 43606

FILED

DEC 07 2006

WANNETTE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court amended order granting summary judgment in a tort action. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

In his district court action, appellant argued that respondents damaged appellant when they allegedly removed some of appellant's personal property from appellant's residence. The district court concluded that appellant's claims were precluded by the doctrine of collateral estoppel, as appellant's claims were already adjudicated in the bankruptcy court proceedings.

This court reviews an order granting summary judgment de novo.¹ Summary judgment is appropriate if the pleadings and other

¹See Wood v. Safeway, Inc., 121 Nev. 724, 121 P.3d 1026 (2005).

evidence on file, viewed in a light most favorable to the non-movant, demonstrate that no genuine issue of material fact remains in dispute and that the movant is entitled to judgment as a matter of law.²

In LaForge v. State, University System,³ we stated that “[i]ssue preclusion, or collateral estoppel, is a proper basis for granting summary judgment.”⁴ The general rule of issue preclusion is that “if an issue of fact or law was actually litigated and determined by a valid and final judgment, the determination is conclusive in a subsequent action between the parties.”⁵ For issue preclusion to apply, three pertinent elements must be present:

(1) the issue decided in the prior litigation must be identical to the issue presented in the current action; (2) the initial ruling must have been on the merits and have become final; and (3) the party against whom the judgment is asserted must have been a party or in privity with a party to the prior litigation.⁶

Upon reviewing the record, we conclude that the district court properly granted summary judgment since appellant’s complaint was

²Id.

³116 Nev. 415, 997 P.2d 130 (2000).


⁴Id. at 419, 997 P.2d at 133 (internal quotation omitted).


⁵Id. at 420, 997 P.2d at 133 (internal quotation omitted).

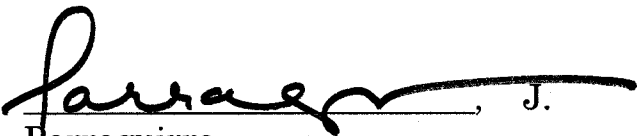
⁶Executive Mgmt. v. Ticor Title Ins. Co., 114 Nev. 823, 835-36, 963 P.2d 465, 473-74 (1998).

barred by the doctrine of collateral estoppel.⁷ Accordingly, we affirm the district court's judgment.

It is so ORDERED.


_____, J.
Douglas


_____, J.
Becker


_____, J.
Parraguirre

cc: Hon. Steven P. Elliott, District Judge
Robert B. Metz
Dennis A. Cameron
Gary Derks
Lemons Grundy & Eisenberg
Washoe District Court Clerk

⁷Id.