

IN THE SUPREME COURT OF THE STATE OF NEVADA

FRANK J. KANTOR,  
Appellant,

vs.

CHARLES J. LYBARGER, AN  
INDIVIDUAL; LAW OFFICE OF  
CHARLES J. LYBARGER, LTD., A  
NEVADA CORPORATION; AND  
LYBARGER, BUNIN & BUNIN, LTD., A  
NEVADA CORPORATION,  
Respondents.

No. 45150

**FILED**

NOV 29 2006

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

ORDER OF AFFIRMANCE

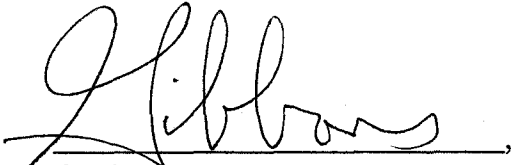
This is an appeal from a district court summary judgment in an attorney malpractice case. Eighth Judicial District Court, Clark County; Michael A. Cherry, Judge.

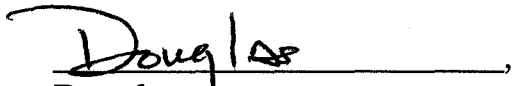
This case involves a long history of litigation surrounding attorney malpractice. We recite only the relevant facts and presume that the parties are familiar with the remaining facts. Frank J. Kantor's complaint against Charles J. Lybarger for malpractice included allegations of failing to timely file discovery responses, retaining funds belonging to Kantor, over-billing Kantor, and failing to disclose conflicts of interest and personal liability related to the representation. Lybarger moved for summary judgment on Kantor's claims. The district court granted Lybarger summary judgment because the action was filed beyond the statute of limitations, there was no issue of genuine material fact, Kantor's opposition was not timely, and Kantor's opposition was unsupported by affidavit or admissible evidence. Kantor timely appealed, and argues that his claims are not barred by the statute of limitations and are valid on the merits.

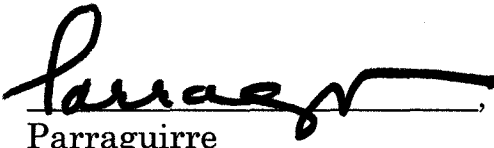
NRCP 56(c) provides that summary judgment “shall be rendered forthwith if . . . there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” “Orders granting summary judgment are reviewed de novo.”<sup>1</sup>

We have reviewed all the issues that Kantor raised on appeal and conclude that the district court correctly granted summary judgment in favor of Lybarger.<sup>2</sup> We further note that Kantor has not challenged two of the district court’s bases for granting summary judgment. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Parraguirre

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<sup>1</sup>Bulbman, Inc. v. Nevada Bell, 108 Nev. 105, 110, 825 P.2d 588, 591 (1992).

<sup>2</sup>Wood v. Safeway, Inc., 121 Nev. 724, 731-32, 121 P.3d 1026, 1031 (2005).

cc: Hon. Michael A. Cherry, District Judge  
Lester H. Berkson, Settlement Judge  
Jeffrey A. Cogan  
Bunin & Bunin  
Clark County Clerk