

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTINA CHAU, INDIVIDUALLY;  
DAVID IRWIN, JR., INDIVIDUALLY;  
AND ROBERT IRWIN, INDIVIDUALLY,  
Appellants,

vs.

AMERICAN INTERNATIONAL LIFE  
ASSURANCE COMPANY OF NEW  
YORK, A NEW YORK CORPORATION,  
Respondent.

No. 45631

**FILED**

MAR 27 2007

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. R. [Signature]*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court judgment in an insurance action. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.

The parties are familiar with the facts, and we do not recount them except as pertinent to our disposition.

Appellants Christina Chau, David Irwin, Jr., and Robert Irwin argue that the district court erred in granting summary judgment to respondent American International Life Assurance Company of New York because there was evidence that respondent acted in bad faith in violating its duty to them.


Having reviewed the record, we conclude that the district court did not err in its entry of summary judgment.<sup>1</sup> Accordingly, we affirm the district court's judgment.

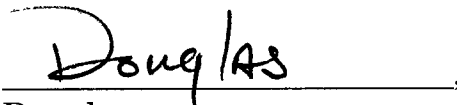
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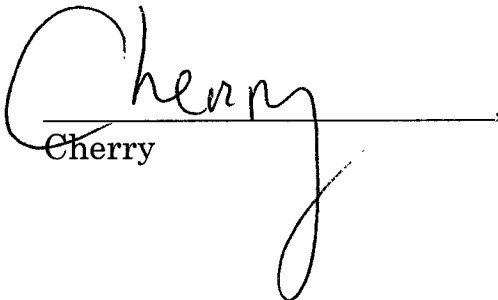
<sup>1</sup>See Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005); NRCPC 56.

As to respondent's request for attorney fees and costs under NRAP 38(b), we conclude that respondent is not entitled to attorney fees and costs associated with this appeal.<sup>2</sup>

It is so ORDERED.

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

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

  
\_\_\_\_\_, J.  
Cherry

cc: Hon. Kenneth C. Cory, District Judge  
Lansford W. Levitt, Settlement Judge  
Christopherson Law Offices  
Snell & Wilmer, LLP/Las Vegas  
Eighth District Court Clerk

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<sup>2</sup>See Bd. of Gallery of History v. Datecs Corp., 116 Nev. 286, 288, 994 P.2d 1149, 1150 (2000) (noting that NRAP 38(b) authorizes this court to award attorney fees "if it determines that the appeals process has been misused").