

IN THE SUPREME COURT OF THE STATE OF NEVADA

TRYLONE LIMITED LIABILITY
COMPANY, D/B/A THE BLUE MOON
BAR AND GRILL,
Appellant,
vs.
NANCY L. ALLF, AN INDIVIDUAL,
Respondent.

No. 45639

FILED

DEC 01 2006

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 order granting summary judgment in an attorney malpractice case. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

Appellant Trylone Limited Liability Company, D/B/A the Blue Moon Bar and Grill, appeals from an order granting summary judgment in an attorney malpractice case that it filed against its former attorney, respondent Nancy Allf. The parties are familiar with the facts, and we do not recount them in this order except as is necessary for our disposition.


Trylone claims that it sustained damages when Allf failed to move to assume its commercial lease with Henderson Associates during Trylone's bankruptcy proceeding. In a separate action filed after Trylone dismissed its bankruptcy petition, however, the lease was declared void after a jury found that Henderson had been fraudulently induced to enter into the lease by Trylone. As a consequence, Allf maintains that Trylone could not show, in the malpractice action, that any damages incurred by

the loss of the lease were proximately caused by All's failure to seek assumption in the bankruptcy proceedings.¹ We agree.

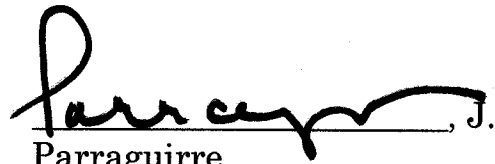
Trylone failed to demonstrate the existence of a genuine issue of material fact—that it could have convinced the bankruptcy court to approve the lease's assumption. Even if assuming the lease would have substantially furthered the debtor's reorganization, there could have been no protection afforded to the landlord as is necessary to assume a lease.² Moreover, the landlord successfully voided the lease on grounds having nothing to do with All's representation of Trylone.³ The summary judgment was properly granted.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


Becker, J.


Hardesty, J.


Parraguirre, J.

¹Day v Zube, 112 Nev. 972, 977, 922 P.2d 536, 539 (1996) (holding that a client must prove that the breach of duty by the attorney is the proximate cause of the client's damage).

²11 U.S.C. § 365 (2005).

³Trylone maintains that fraud in the inducement renders a contract merely voidable. But it failed to demonstrate a genuine issue of material fact precluding summary judgment, because it provided no evidence indicating that Henderson would have agreed to be bound by the otherwise void lease in response to Trylone's attempt to assume the lease in the bankruptcy proceeding.

cc: Hon. Mark R. Denton, District Judge
Lansford W. Levitt, Settlement Judge
Rogers, Mastrangelo, Carvalho & Mitchell, Ltd.
Rawlings Olson Cannon Gormley & Desruisseaux
Clark County Clerk