

IN THE SUPREME COURT OF THE STATE OF NEVADA

PATRICK COULTAS AND HEATHER
COULTAS, HUSBAND AND WIFE,
Appellants,

vs.

SUMMERLIN HOSPITAL MEDICAL
CENTER, LLC, A NEVADA
CORPORATION,
Respondent.

No. 49854

FILED

NOV 19 2008

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *H. Lindeman*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court summary judgment in a tort matter. Eighth Judicial District Court, Clark County; Valorie Vega, Judge.

Appellant Patrick Coultas was injured while repairing a walk-in refrigerator for respondent. Patrick and his father were on respondent's property performing maintenance for air conditioning coolers under a contract between their employer, DP Air, and respondent. After completing the maintenance work, Patrick and his father were asked to check on a problem respondent was having with the walk-in refrigerator. During this repair, Patrick fell and was injured. Appellants sought damages from respondent for the injury, and respondent sought summary judgment in district court based on immunity under the Nevada Industrial Insurance Act (NIIA). The district court granted summary judgment, concluding that respondent was immune from suit under the NIIA.

On appeal, appellants argue that the district court improperly ruled that the repair Patrick was working on met the necessary requirements for NIIA immunity. Appellants assert that Patrick was not working under a principle contractor's license and there was no contract

with respondent under which Patrick was working. Respondent asserts that the district court properly granted summary judgment under NIIA immunity, based on this court's holding in Richards v. Republic Silver State Disposal,¹ because DP Air billed respondent for the repair work done by Patrick and his father, and that the work performed falls under DP Air's Chapter 624 license.

This court reviews an order granting summary judgment de novo.² Summary judgment is appropriate when there is no genuine issue of material fact and the moving party is entitled to a judgment as a matter of law.³ In Richards, we held that a property owner was entitled to immunity under NIIA if the property owner hired a principal contractor licensed under NRS Chapter 624, to carry out work under that license and the injury resulted from risks related to that work.⁴

Having reviewed the briefs and appendices on appeal, we conclude that the district court properly granted summary judgment. Both factors set forth in Richards for applying NIIA immunity to a property owner are met in this case. In particular, Patrick was conducting repair work that DP Air billed for, the work was under his employer's NRS Chapter 624 license, and the injury was the result of risks related to the

¹122 Nev. 1213, 148 P.3d 684 (2006).

²Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005).

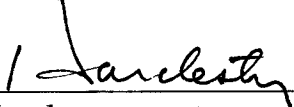
³Id.

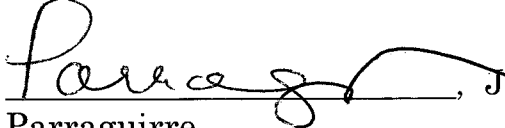
⁴Richards v. Republic Silver State Disposal, 122 Nev. at 1225, 148 P.3d at 691-92.

repair. As a result, respondent was entitled to immunity under NIIA and the district court properly granted summary judgment in its favor.⁵

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

cc: Hon. Valorie Vega, District Judge
Janet Trost, Settlement Judge
Winner & Carson, P.C.
Tuverson & McBride
Eighth District Court Clerk

⁵Having reviewed the other arguments raised on appeal, we conclude that they lack merit and that summary judgment was properly granted.