

IN THE SUPREME COURT OF THE STATE OF NEVADA

DOUGLAS R. FARRIS,
Appellant,
vs.
CANYON CREEK CONSTRUCTION,
INC., A NEVADA CORPORATION,
Respondent.

No. 52162

FILED

MAY 07 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
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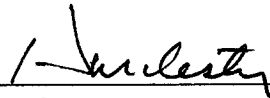
ORDER OF AFFIRMANCE

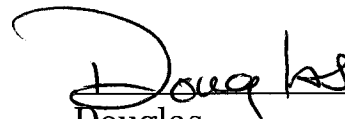
This is an appeal from a district court summary judgment in a tort action. First Judicial District Court, Carson City; Robert E. Rose, Senior Judge.


Having reviewed the briefs and appendices on appeal, we affirm the district court's judgment. The statute of repose precludes appellant's negligence claim, NRS 11.204, and we conclude that appellant did not sufficiently plead a willful misconduct or intentional concealment claim to allow him to utilize the exception to the statute of repose, set forth in NRS 11.202; to avoid summary judgment based on respondent's failure to address NRS 11.202 in its summary judgment motion. A claim for punitive damages is not a cause of action, Amoroso Constr. v. Lazovich and Lazovich, 107 Nev. 294, 298, 810 P.2d 775, 777 (1991), and, although Nevada is a notice-pleading state, the allegations set forth under the punitive damages claim do not sufficiently plead a willful misconduct or intentional concealment claim. See Western States Constr. v. Michoff, 108 Nev. 931, 936, 840 P.2d 1220, 1223 (1992) (stating the standard for notice pleading that the complaint needs to "set forth sufficient facts to demonstrate the necessary elements of a claim for relief so that the

defending party has adequate notice of the nature of the claim and relief sought"). Thus, appellant's reliance on G and H Assocs. v. Ernest W. Hahn, Inc., 113 Nev. 265, 934 P.2d 229 (1997), is unavailing. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Douglas


_____, J.
Pickering

cc: Chief Judge, First Judicial District
Hon. Robert E. Rose, Senior Justice
Robert G. Berry, Settlement Judge
Menekshe Cardwell & Ruiz
Atkin Winner & Sherrod
Carson City Clerk