

IN THE SUPREME COURT OF THE STATE OF NEVADA

LEONORA LEAVY,  
Appellant,

vs.

JEFFREY P. CICHON, M.D.; JEFFREY  
P. CICHON, M.D., PROFESSIONAL  
CORPORATION; AND CICHON  
ORTHOPAEDICS & SPORTS  
MEDICINE, LTD.,  
Respondents.

No. 53637

**FILED**

APR 09 2010

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court summary judgment in a medical malpractice action. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

Having reviewed the briefs and appendices on appeal, we affirm the district court's summary judgment based on appellant's failure to file the complaint within the limitations period. The statute of limitations for medical malpractice commences when the plaintiff "knows or, through the use of reasonable diligence, should have known of facts that would put a reasonable person on inquiry notice of his cause of action." Massey v. Litton, 99 Nev. 723, 728, 669 P.2d 248, 252 (1983). The district court properly held that the statute of limitations commenced, at the latest, when appellant met with an attorney for the purpose of potentially pursuing a lawsuit. Appellant did not file her complaint until approximately 18 months after she consulted with an attorney. Thus, the

statute of limitations had expired before appellant filed her complaint.  
NRS 41A.097(2). Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

cc: Hon. Susan Johnson, District Judge  
Carolyn Worrell, Settlement Judge  
Christensen Law Offices, LLC  
Lemons, Grundy & Eisenberg  
Eighth District Court Clerk

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<sup>1</sup>Having considered appellant's other arguments on appeal, we conclude that they lack merit and that summary judgment was properly granted.