

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACKIE S. BARTAKIAN,
Appellant,
vs.
COUNTY OF CLARK; VIRGINIA
VALENTINE; FRANCIS DEANE;
RAYMOND VISCONTI; CHARLES
HARVEY; AND RORY REID,
Respondents.

No. 53749

FILED

DEC 04 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY H. Ingerson
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a district court summary judgment in an employment action. Eighth Judicial District Court, Clark County; Michael Villani, Judge.


An order granting summary judgment is reviewed de novo. Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). 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. Id. The pleadings and other proof must be construed in a light most favorable to the nonmoving party. Id. But once the movant has properly supported the summary judgment motion, the nonmoving party may not rest upon general allegations and conclusions and must instead set forth, by affidavit or otherwise, specific facts demonstrating the existence of a genuine issue of material fact for trial to avoid having summary judgment against her. Id. at 732, 121 P.3d at 1031; NRCP 56(e). A district court's refusal to grant a continuance under NRCP 56(f) is reviewed for an abuse of discretion and the grant of a continuance "is appropriate only when the movant expresses how further discovery will


lead to the creation of a genuine issue of material fact.” Aviation Ventures v. Joan Morris, Inc., 121 Nev. 113, 118, 110 P.3d 59, 62 (2005).

Having reviewed appellant’s civil proper person case appeal statement and reply, respondents’ answer, and the record on appeal, we conclude that the district court did not abuse its discretion in denying appellant’s motion for an NRCP 56(f) continuance. Further, as no genuine issue of material fact remained and respondents were entitled to judgment as a matter of law, we conclude that the district court properly granted respondents’ motion for summary judgment. Finally, the district court was mandated by NRS 18.020(3) to award costs to the respondents as the prevailing parties and the \$11,325.61 in costs awarded to respondents were proper under NRS 18.005. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Michael Villani, District Judge
Jackie S. Bartakian
Garcia-Mendoza & Snaveley, Chtd.
Eighth District Court Clerk