

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD JOEL DOMNITZ,  
Appellant,  
vs.  
LEE M. REESE, M.D.; FEZA N.  
GUNALP, M.D.; AND SUNRISE  
MOUNTAINVIEW HOSPITAL, INC.  
D/B/A MOUNTAINVIEW HOSPITAL,  
Respondents.

No. 54055

**FILED**

JUL 20 2010

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

ORDER OF AFFIRMANCE

This is an appeal from district court orders granting motions to dismiss in a medical malpractice action. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Having reviewed the briefs and appendices on appeal, we affirm the district court's orders 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 appellant had inquiry notice prior to a year before his

complaint was filed, and therefore, the statute of limitations expired before appellant filed his complaint. NRS 41A.097(2). Accordingly, we

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

Hardesty, J.  
Hardesty

Douglas, J.  
Douglas

Pickering, J.  
Pickering

cc: Hon. Michelle Leavitt, District Judge  
Stephen E. Haberfeld, Settlement Judge  
Markoff & Boyers  
Hall Prangle & Schoonveld, LLC/Las Vegas  
Law Office of Arthur W. Tuverson  
Lemons, Grundy & Eisenberg  
Eighth District Court Clerk

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<sup>1</sup> We have determined that this appeal should be submitted for decision on the briefs and appellate record without oral argument. See NRAP 34(f)(1).