

IN THE SUPREME COURT OF THE STATE OF NEVADA

SUSAN DOYLE; CHRISTOPHER J.
DOYLE; MARIA A. HOSHAL; AND
SUSAN DOYLE, AS PERSONAL
REPRESENTATIVE OF THE ESTATE
OF CAROL ANN DOYLE,

Appellants,

vs.

DR. GREGG RIPPLINGER, M.D.; DR.
LYN KNOBLOCK, M.D.; AND
CATHOLIC HEALTHCARE WEST, INC.
D/B/A ST. ROSE DOMINICAN
HOSPITAL, DE LIMA CAMPUS,
Respondents.

No. 54247

FILED

JUN 10 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

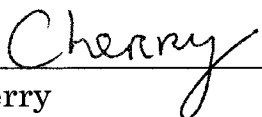
This is an appeal from a district court summary judgment in a medical malpractice action. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

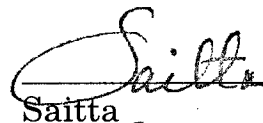
Having reviewed the briefs and appendices on appeal, we conclude that the district court erred in granting summary judgment. The statute of limitations for medical malpractice commences when the plaintiff “knows or, through the use of reasonable diligence, should have known of facts that would put a reasonable person on inquiry notice of his cause of action.” Massey v. Litton, 99 Nev. 723, 728, 669 P.2d 248, 252 (1983); see also Pope v. Gray, 104 Nev. 358, 362-63, 760 P.2d 763, 764-65 (1988) (applying the discovery rule established in Massey to wrongful death actions based on medical malpractice). We conclude that appellants adequately established a material question of fact concerning when they knew sufficient facts to be put on “inquiry notice” to commence the statute of limitations period. Wood v. Safeway, Inc., 121 Nev. 724, 729-32, 121

P.3d 1026, 1029-31 (2005); Pope, 104 Nev. at 366, 760 P.2d at 767-68.

Thus, summary judgment on this basis was improper, and we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Susan Johnson, District Judge
Kathleen M. Paustian, Settlement Judge
Huggins & Maxwell, Ltd.
Alverson Taylor Mortensen & Sanders
Lewis Brisbois Bisgaard & Smith, LLP
Mayor Law Firm
Eighth District Court Clerk