

IN THE SUPREME COURT OF THE STATE OF NEVADA

COLETTE ERRICO, AN INDIVIDUAL
AND WILLIAM ERRICO, II, A MINOR,
BOTH ARE NEGLIGENT FREE
PASSENGERS,
Appellants,
vs.
JOHN STOCKTON, AN INDIVIDUAL,
Respondent.

No. 54430

FILED

JUL 26 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 tort action. Eighth Judicial District Court, Clark County; Doug Smith, Judge.

Having reviewed the briefs and appendices on appeal, we affirm the district court's summary judgment, as appellants failed to set forth sufficient evidence to establish a material question of fact concerning any liability on the part of respondent in the subject traffic accident. Wood v. Safeway, Inc., 121 Nev. 724, 729, 731, 121 P.3d 1026, 1029, 1030-31 (2005) (setting forth the requirements for summary judgment recognizing that 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 summary judgment).¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Hardesty, J.
Hardesty

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Doug Smith, District Judge
Persi J. Mishel, Settlement Judge
William Errico & Associates
Rogers, Mastrangelo, Carvalho & Mitchell, Ltd.
Eighth District Court Clerk

¹Affirmance of the district court's summary judgment is also appropriate based on appellants' failure to provide, as part of their appendix, their opposition to the motion for summary judgment. See Cuzze v. Univ. & Cmty. Coll. Sys. of Nev., 123 Nev. 598, 603-04, 172 P.3d 131, 135 (2007) (holding that appellants bear the responsibility to provide an adequate appellate record and, when appellants fail to provide necessary documentation, we must presume that the missing documents support the district court's decision).