

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUDITH MCNULTY,
Appellant,
vs.
CALIFORNIA HOTEL AND CASINO
D/B/A SAM'S TOWN HOTEL,
GAMBLING HALL AND BOWLING
CENTER,
Respondent.

No. 55054

FILED

APR 01 2011

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

ORDER OF REVERSAL AND REMAND


This is an appeal from a district court summary judgment in a tort action. Eighth Judicial District Court, Clark County; Stefany Miley, Judge.

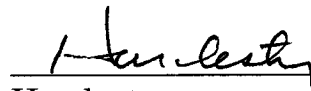
This case arises out of a trip-and-fall accident in which appellant Judith McNulty suffered injuries after tripping over an employee of respondent California Hotel and Casino, d.b.a. Sam's Town Hotel, Gambling Hall and Bowling Center, who was working on his knees fixing a nongaming machine. McNulty asserted two claims in the lower court against Sam's Town: negligence and negligence for premises liability. Sam's Town filed a motion for summary judgment, which the district court granted. This appeal followed.

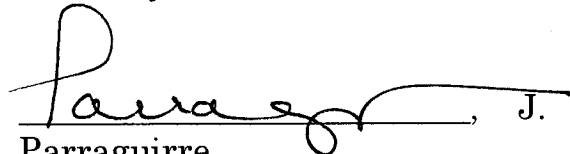
Having reviewed the briefs and record on appeal, we conclude that the district court erred in granting summary judgment. McNulty provided sufficient evidence to establish a material question of fact in support of her claim that Sam's Town breached the duty of reasonable and ordinary care in allowing its employee to work on the ground, without adequate warnings to patrons, in an area where patrons could trip over the employee. NRCP 56(c); Wood v. Safeway, Inc., 121 Nev. 724, 729, 121

P.3d 1026, 1029 (2005). Therefore, summary judgment was not appropriate. Accordingly, we

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

 _____, J.
Saitta

 _____, J.
Hardesty

 _____, J.
Parraguirre

cc: Hon. Stefany Miley, District Judge
Thomas F. Christensen, Settlement Judge
Potter Law Offices
Valarie I. Fujii & Associates
Eighth District Court Clerk