

IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES DAGUE; MICHAEL
BRELSFORD; AND ROD JOHNSON,
Appellants,
vs.
HORIZON MOB 3007, LLC,
Respondent.

No. 55914

FILED

NOV 21 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
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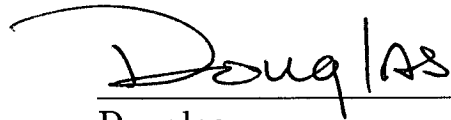
ORDER OF REVERSAL AND REMAND

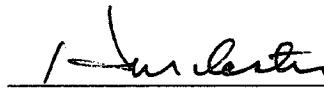
This is a proper person appeal from a district court summary judgment in a real property contract action. Eighth Judicial District Court, Clark County; Jessie Elizabeth Walsh, Judge.

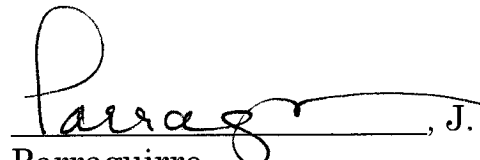
Having reviewed the proper person appeal statement, response, and record on appeal, we conclude that the district court erred in granting summary judgment. Appellants sufficiently established a material question of fact as to whether respondent committed fraud or misrepresented what was contained in the lease agreement. Wood v. Safeway, Inc., 121 Nev. 724, 729-32, 121 P.3d 1026, 1029-31 (2005); Yee v. Weiss, 110 Nev. 657, 662, 877 P.2d 510, 513 (1994) (recognizing that a party might not be bound by an agreement that they failed to read if there has been misrepresentation concerning what is contained in the agreement); see also Restatement (Second) of Contracts, §§ 164, 166, 172 (1981) (setting forth when a contract may be voidable or justifies reformation based on a party's misrepresentation), § 172 ill. 1 and 3 (stating that a party that fails to read a contract may still be entitled to void the contract or seek reformation when the other party misrepresents

what is contained within the contract). As a result, the district court erred in granting summary judgment. 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.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Jessie Elizabeth Walsh, District Judge
James Dague
Michael Brelsford
Rod Johnson
Pengilly Robbins Slater & Bell
Eighth District Court Clerk