

IN THE SUPREME COURT OF THE STATE OF NEVADA

DEANNA FORD,
Appellant,
vs.
SOUTHERN HILLS MEDICAL
CENTER, LLC D/B/A SOUTHERN
HILLS HOSPITAL AND MEDICAL
CENTER, A NEVADA LIMITED
LIABILITY COMPANY,
Respondent.

No. 56566

FILED

DEC 09 2011

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angerou*
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; Susan Johnson, Judge.

Appellant brought her daughter to the emergency department at respondent Southern Hills Hospital and Medical Center for treatment. As she left the emergency department after her daughter had been discharged, appellant slipped and fell on clear liquid on the floor near the sliding exit doors. Appellant brought an action for negligence against respondent, and respondent filed a motion for summary judgment arguing that there was no evidence that respondent caused the liquid to be on the floor, had notice of the liquid's presence, or had constructive notice of the liquid on the floor of its emergency department. Appellant argued that respondent was on constructive notice of potential hazards in its waiting room, under Sprague v. Lucky Stores, Inc., 109 Nev. 247, 849 P.2d 320 (1993), due to the frequency of potential hazards that arose in the waiting area. The district court granted summary judgment in favor of respondent.


This court reviews summary judgments de novo. Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment is appropriate if the pleadings and other evidence on file, viewed in the light most favorable to the nonmoving party, demonstrate that no genuine issue of material fact remains in dispute and that the moving party is entitled to judgment as a matter of law. Id. To withstand summary judgment, the nonmoving party cannot rely solely on general allegations and conclusions set forth in the pleadings, but must instead present specific facts demonstrating the existence of a genuine factual issue supporting her claims. NRCP 56(e); see also Wood, 121 Nev. at 731, 121 P.3d at 1030-31.


“The owner or occupant of property is not an insurer of the safety of a person on the premises, and in the absence of negligence, no liability lies.” Sprague, 109 Nev. at 250, 849 P.2d at 322. When a foreign substance on the floor causes a patron to slip and fall, liability will lie only where the business owner or one of its agents caused the substance to be on the floor; or, if the foreign substance is the result of the actions of persons other than the business or its employees, liability will lie only if the business had actual or constructive notice of the condition and failed to remedy it. Id.

Appellant has provided no evidence that respondent or one of its agents caused the liquid to be on the floor of the emergency department, or that respondent or its employees had actual notice of the presence of the liquid. Appellant argues that respondent had constructive notice of the liquid, under this court’s holding in Sprague, based on the testimony of respondent’s employee that spills occurred in the emergency department waiting room. The standard under Sprague to prove

constructive notice is a virtually continuous condition. Id. at 251, 849 P.2d at 323. The evidence in Sprague demonstrated that spills occurred 30 or 40 times a day and that the floor had to be swept several times an hour. Id. at 249, 849 P.2d at 322. Thus, the spills were so frequent that they constituted an ongoing, continuous hazard. Id. Appellant has not presented any evidence that spills of liquid on the floor of respondent's emergency department were a virtually continuous condition that created an ongoing, continuous hazard, thus providing constructive notice of the condition to respondent. Accordingly, we conclude that the district court did not err in granting summary judgment in favor of respondent, and we

ORDER the judgment of the district court AFFIRMED.¹

 _____, J.
Pickering

 _____, Sr. J.
Rose

 _____, Sr. J.
Shearing

cc: Hon. Susan Johnson, District Judge
William C. Turner, Settlement Judge
Heness & Haight
Hall Prangle & Schoonveld, LLC/Las Vegas
Eighth District Court Clerk

¹The Honorable Robert E. Rose and the Honorable Miriam Shearing, Senior Justices, participated in the decision of this matter under general orders of assignment.