

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHRISTINA LISI, AN INDIVIDUAL,
Appellant,
vs.
WILLIAM W. ORRISON, M.D., AN
INDIVIDUAL; AND YARBRO, LTD., A
NEVADA LIMITED LIABILITY
COMPANY,
Respondents.

No. 57995

FILED

JAN 17 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

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


Summary judgment is appropriate when there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Once the movant has properly supported the summary judgment motion, the nonmoving party may not rest upon general allegations and conclusions, but 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. NRCP 56(e); Wood, 121 Nev. at 731, 121 P.3d at 1030-31. This court reviews an order granting summary judgment de novo. Wood, 121 Nev. at 729, 121 P.3d at 1029.


Having reviewed the briefs and appendices on appeal, we affirm the district court's summary judgment. The district court properly concluded that appellant failed to set forth sufficient facts to demonstrate a material issue of fact to avoid summary judgment. Id. at 729, 731, 121

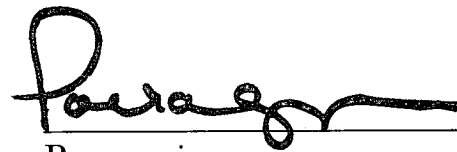
P.3d at 1029, 1030-31. Specifically, appellant failed to set forth expert testimony or evidence that the medical diagnosis at issue was in fact erroneous; thus, appellant failed to establish causation. See NRS 41A.100(1).

Further, appellant did not properly seek denial or continuance of the summary judgment motion to conduct further discovery under NRCP 56(f) in her opposition to the summary judgment motion, see Choy v. Ameristar Casinos, 127 Nev. ___, ___ P.3d ___ (Adv. Op. No. 78, November 23, 2011), particularly when her request for further discovery was not relevant to the erroneous medical diagnosis issue and did not include a request to depose appellant's treating physicians as she now requests for the first time on appeal. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Kathy A. Hardcastle, District Judge
Kathleen M. Paustian, Settlement Judge
Dickinson Wright PLLC
John H. Cotton & Associates, Ltd.
Eighth District Court Clerk