

IN THE SUPREME COURT OF THE STATE OF NEVADA

MABEL MARCHESE,

Appellant,

vs.

HORSESHOE CLUB OPERATING COMPANY,  
A NEVADA CORPORATION, D/B/A  
BINION'S HORSESHOE HOTEL,

Respondent.

No. 35645

**FILED**

OCT 02 2000

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. P. [Signature]*  
CHIEF DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal from an order of the district court granting summary judgment in favor of respondent in a negligence action for personal injuries. Our review of an order granting summary judgment is de novo. *Tore, Ltd. v. Church*, 105 Nev. 183, 185, 772 P.2d 1281, 1282 (1989). "In determining whether summary judgment is proper, the nonmoving party is entitled to have the evidence and all reasonable inferences accepted as true." *Wiltsie v. Baby Grand Corp.*, 105 Nev. 291, 292, 774 P.2d 432, 433 (1989). Furthermore, "litigants should not be deprived of a trial on the merits if there is the slightest doubt as to the operative facts." *Clauson v. Lloyd*, 103 Nev. 432, 435, 743 P.2d 631, 633 (1987).

Generally, the issue of causation is a question of fact. *Fox v. Cusick*, 91 Nev. 218, 533 P.2d 466 (1975). "A party's negligence becomes a question of law only when the evidence will support no other inference." *Shepard v. Harrison*, 100 Nev. 178, 180, 678 P.2d 670, 672 (1984). Having reviewed the briefs and the record, we conclude that summary judgment was inappropriate because genuine issues of material fact remain as to whether the handrail or its brackets were loose and whether such a premise defect, if any, was a proximate cause of the incident and resulting injuries. The

evidence, and reasonable inferences therefrom, may support a finding of liability against the respondent. Accordingly, we reverse the district court's order of dismissal and remand this case for further proceedings consistent with this order.<sup>1</sup>

It is so ORDERED.<sup>2</sup>

Young J.  
Young

Maupin J.  
Maupin

Becker J.  
Becker

cc: Hon. Nancy M. Saitta, District Judge  
George D. Frame  
Moran & Associates  
Clark County Clerk

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<sup>1</sup>In light of this disposition, we deny as moot respondent's motion to allow the video of the incident to be submitted with the appendix to respondent's answering brief.

<sup>2</sup>Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted in this appeal.

## CASE PROFILE - DOCUMENTS

Docket: 35645

MARCHESE VS. HORSESHOE CLUB

Document Number	Filed Date	Document Category\Type	Pending	InSIRE
00-02331	02/14/00	Notice of Appeal Documents\Notice of Appeal	<input type="checkbox"/>	<input type="checkbox"/>
00-02532	02/17/00	Transcript Request\Request for Transcript	<input type="checkbox"/>	<input type="checkbox"/>
00-03391	03/03/00	Transcript\Transcript	<input type="checkbox"/>	<input type="checkbox"/>
00-03392	03/03/00	Transcript\Transcript	<input type="checkbox"/>	<input type="checkbox"/>
00-06892	04/27/00	Settlement Conference Document\Settlement Status Report	<input type="checkbox"/>	<input type="checkbox"/>
00-07545	05/08/00	Procedural Order\Case Processing Order	<input type="checkbox"/>	<input type="checkbox"/>
00-07708	05/10/00	Docketing Statement\Docketing Statement	<input type="checkbox"/>	<input type="checkbox"/>
00-12160	07/14/00	Brief\Opening Brief	<input type="checkbox"/>	<input type="checkbox"/>
00-12161	07/14/00	Appendix\Appellant Appendix	<input type="checkbox"/>	<input type="checkbox"/>
00-14216	08/15/00	Brief\Answering Brief	<input type="checkbox"/>	<input type="checkbox"/>
00-14218	08/15/00	Appendix\Respondent Appendix	<input type="checkbox"/>	<input type="checkbox"/>
00-15355	08/31/00	Motion\Motion/Other	<input type="checkbox"/>	<input type="checkbox"/>
00-15654	09/06/00	Brief\Reply Brief	<input type="checkbox"/>	<input type="checkbox"/>
00-17309	10/02/00	Order/Dispositional\Resolve Appeal	<input type="checkbox"/>	<input type="checkbox"/>
00-17369	12/04/00	Remittitur\Remittitur	<input type="checkbox"/>	<input type="checkbox"/>

January 5, 2009

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