

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATTHEW CORZINE,  
Appellant,  
vs.  
NEVADA DEPARTMENT OF  
CORRECTIONS; HOWARD SKOLNIK;  
PAM DEL PORTO; JAMES BACA; SGT.  
JOHNSON; SGT. PEABODY; SGT.  
MARTINEZ; C/O NEEDHAM; C/O  
HARLOW; C/O BETTENCOURT; AND  
C/O WILLIAMS,  
Respondents.

No. 62267

**FILED**

NOV 14 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *R. Malone*  
DEPUTY CLERK

*ORDER AFFIRMING IN PART,  
REVERSING IN PART AND REMANDING*

This is a proper person appeal from a district court summary judgment in a tort action. First Judicial District Court, Carson City; James Todd Russell, Judge.

This court reviews de novo whether the district court properly granted summary judgment. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). "Summary judgment is appropriate . . . when the pleadings and other evidence on file demonstrate that no genuine issue as to any material fact remains and that the moving party is entitled to a judgment as a matter of law." *Id.* (quotation and alteration omitted).

Having considered the record on appeal, appellant's proper person appeal statement, respondents' response, and appellant's reply,<sup>1</sup> we conclude that questions of material fact exist regarding appellant's battery claim against respondent Needham and appellant's assault claim against

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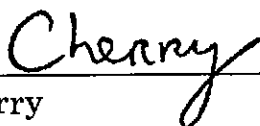
<sup>1</sup>Appellant's October 21, 2014, motion for leave to file a reply is granted. We have considered the reply attached to that motion in resolving this appeal.

respondent Martinez. *See id.*; NRCPC 56(c).<sup>2</sup> As summary judgment was inappropriate with respect to these two claims, we reverse the district court's order insofar as it granted summary judgment in favor of these two respondents and respondent Nevada Department of Corrections. *See* NRS 41.032; *Franchise Tax Bd. of Cal. v. Hyatt*, 130 Nev. \_\_\_, 335 P.3d 125 (2014). The remainder of the claims asserted in appellant's complaint are either not readily cognizable under state law or not supported by evidence in the record. Accordingly, summary judgment was proper as to the remainder of appellant's claims. *See Wood*, 121 Nev. at 730, 121 P.3d at 1030 (recognizing that the "substantive law" dictates which factual disputes are "material" for purposes of summary judgment (quotations omitted)). Consistent with the foregoing, we

ORDER the judgment of the district court AFFIRMED IN PART AND REVERSED IN PART AND REMAND this matter to the district court for further proceedings consistent with this order.<sup>3</sup>

  
\_\_\_\_\_, J.  
Hardesty

  
\_\_\_\_\_, J.  
Douglas

  
\_\_\_\_\_, J.  
Cherry

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<sup>2</sup>Respondents suggest that the statements in appellant's sworn declaration should be ignored because they are "self-serving." Respondents have pointed to no authority that would support such an approach in reviewing a district court's summary judgment.

<sup>3</sup>We have considered appellant's remaining arguments and conclude that they do not warrant further reversal of the challenged orders. In light of this disposition, no action needs to be taken regarding respondents' September 29, 2014, notice.

cc: Hon. James Todd Russell, District Judge  
Matthew Corzine  
Attorney General/Carson City  
Carson City Clerk