

IN THE SUPREME COURT OF THE STATE OF NEVADA

STACY LARASON,
Appellant,

vs.

JAMES S. HERMANSON; G. MADISON;
AND THE HERTZ CORPORATION, A
DELAWARE CORPORATION D/B/A
HERTZ RENT-A-CAR,
Respondents.

No. 36810

FILED

JAN 17 2002

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE


This is a proper person appeal from a district court order granting a final, summary judgment in a personal injury action. The district court granted summary judgment for respondents based upon Larason's failure to timely respond to respondents' request for admissions.

Under NRCP 36, a party served with a request for admissions must serve her answers or objections to the request within thirty days of receipt, or the matters sought to be admitted shall be deemed admitted.¹ Here, Larason failed to respond to respondents' request for admissions until nearly three months after the due date, and only after respondents moved for summary judgment based upon that failure. Larason's primary excuse for her failure was that she was attempting to obtain counsel during that period, but the record shows that she failed to obtain counsel even after the district court continued the summary judgment motion and granted her an additional thirty days within which to retain counsel.


¹See NRCP 36; Smith v. Emery, 109 Nev. 737, 741, 856 P.2d 1386, 1389 (1993).

Only after Larason failed to appear at the second hearing on the summary judgment motion, and failed to submit any other documentation against entering judgment, did the district court grant summary judgment in favor of respondents. Pursuant to NRCP 36, Larason's failure to timely respond to the request for admissions resulted in the matters requested therein being admitted, thereby establishing conclusively that respondents were not negligent, and entitling respondents to a judgment as a matter of law.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.


Shearing J.


Rose J.


Becker J.

cc: Hon. Mark R. Denton, District Judge
Pyatt & Silvestri
Stacy Larason
Clark County Clerk

²See NRCP 56(c).