

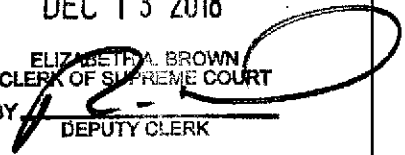
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ISAAC ZIMMERMAN,
Appellant,
vs.
CROSSROADS COMMONS, LTD., LLC;
CROSSROADS COMMONS
MANAGEMENT, L.L.C.; PECCOLE
NEVADA CORPORATION; WHOLE
FOODS MARKET; WFM SOUTHERN
NEVADA, INC.; WFM-WO,¹
Respondents.

No. 75269-COA

FILED

DEC 13 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

Isaac Zimmerman appeals from a district court order granting summary judgment to respondents on his negligence claim, certified as final under NRCP 54(b). Eighth Judicial District Court, Clark County; Richard Scotti, Judge.

Zimmerman filed suit against various entities for injuries he allegedly sustained while riding his bicycle on property maintained by respondents. The matter went to arbitration where the respondents prevailed. Zimmerman then filed for a trial de novo with the district court. Upon respondents' motions, the district court granted summary judgment

¹The clerk of the court shall amend the caption for this case to match the caption on this order.


in favor of respondents, finding that respondents did not breach a duty of care owed to Zimmerman. This appeal followed.


This court reviews a district court's order granting summary judgment de novo. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). Summary judgment is proper if the pleadings and all other evidence on file demonstrate that no genuine issue of material fact exists and that the moving party is entitled to judgment as a matter of law. *Id.* When deciding a summary judgment motion, all evidence must be viewed in a light most favorable to the nonmoving party. *Id.* Additionally, pursuant to NRCP 56(c), when granting summary judgment, the district court's order "shall set forth the undisputed material facts and legal determinations on which the court granted summary judgment."

Here, the district court's order fails to set forth any undisputed facts. The section of the order that is titled "Findings of Fact" actually set forth summary conclusions of law. Moreover, the order fails to actually set forth any determinations regarding that law as applied to the facts of the case. Because the order does not properly set forth the undisputed facts and legal determinations as required by NRCP 56(c), we necessarily reverse the grant of summary judgment and remand for further proceedings consistent with this order. *See* NRCP 56(c) (requiring the court to state the legal and factual reasons for its grant of summary judgment); *see also ASAP Storage, Inc. v. City of Sparks*, 123 Nev. 639, 656-57, 173 P.3d 734, 746 (2007) (reversing and remanding a portion of a district court order granting

summary judgment because the order failed to set forth the undisputed material facts and legal determinations supporting its decision).

It is so ORDERED.²


_____, C.J.
Silver


_____, J.
Gibbons

cc: Hon. Richard Scotti, District Judge
Isaac Zimmerman
Robison, Sharp, Sullivan & Brust
Rogers, Mastrangelo, Carvalho & Mitchell, Ltd.
Eighth District Court Clerk

²The Honorable Jerome T. Tao voluntarily recused himself from participation in the decision of this matter.