

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CINDY R. ORLINICK,
Appellant,
vs.
BANK OF AMERICA, N.A.,
Respondent.

No. 73434-COA

FILED

DEC 20 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Cindy Orlinick appeals from a district court order granting summary judgment and another order denying relief from that judgment in a debt collection action. Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

Respondent Bank of America, N.A., sued Orlinick for breach of contract and unjust enrichment related to an unpaid credit card account. Bank of America filed a motion for summary judgment, which Orlinick opposed and requested time for discovery pursuant to NRCP 56(f). The district court granted the motion for summary judgment, and Orlinick challenged the judgment pursuant to NRCP 60(b). The district court denied NRCP 60 relief, and 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.*

18-909804

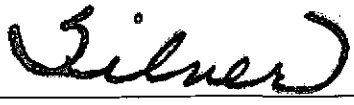
General allegations and conclusory statements do not create genuine issues of fact. *Id.* at 731, 121 P.3d at 1030-31. To withstand summary judgment, the nonmoving party must present specific facts demonstrating the existence of a genuine factual issue supporting its claims. NRCP 56(e); see also *Wood*, 121 Nev. at 731, 121 P.3d at 1030-31.


In reviewing Orlinick's arguments against summary judgment, we determine that there are no genuine issues of material fact presented. See *Wood*, 121 Nev. at 729, 121 P.3d at 1029. The legal challenges to the affidavits supporting Bank of America's account documentation are unpersuasive, and Orlinick fails to present any factual contradiction regarding the outstanding account.¹ Similarly, Orlinick fails to show how further discovery would establish a genuine issue of material fact. See *Choy v. Ameristar Casinos, Inc.*, 127 Nev. 870, 872, 265 P.3d 698, 700 (2011) (noting a party is required to "provide an affidavit giving the reasons why the party cannot present facts essential to justify the party's opposition" (internal quotation marks omitted)). Thus, we see no abuse of discretion in the district court's denial of additional discovery pursuant to NRCP 56(f). *Aviation Ventures, Inc. v. Joan Morris, Inc.*, 121 Nev. 113, 117-18, 110 P.3d 59, 62 (2005) (noting an abuse of discretion standard for review of a request pursuant to NRCP 56(f) for a continuance for additional discovery before

¹We likewise see no abuse of discretion in the district court's denial of Orlinick's motion for relief under NRCP 60(b). See *Cook v. Cook*, 112 Nev. 179, 181-82, 912 P.2d 264, 265 (1996) (noting the district court has broad discretion in deciding whether to grant or deny an NRCP 60(b) motion to set aside a judgment).

summary judgment). Accordingly, as Orlinick has failed to demonstrate that genuine issues of material fact remain, we affirm the district court's judgment below.

It is so ORDERED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Michelle Leavitt, District Judge
Cindy R. Orlinick
McCarthy & Holthus, LLP/Las Vegas
Rausch, Sturm, Israel, Enerson & Hornik, LLC
Eighth District Court Clerk