IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHARLES SCHUELER,
Appellant,
vs.
MGM GRAND HOTEL, LLC, A DOMESTIC LIMITED LIABILITY COMPANY, D/B/A MGM GRAND,
Respondent.

No. 71882-COA

FILED

JUL 08 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Charles Schueler appeals from a district court order granting judgment on the pleadings, certified as final under NRCP 54(b) in a tort action. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

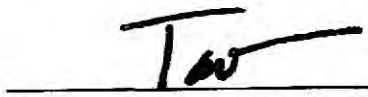
Schueler filed a complaint against respondent MGM Grand Hotel, LLC, among others not relevant here, alleging claims for premises liability relating to injuries he sustained when he fell 150 feet from the MGM pylon sign while performing updates to the sign. MGM moved for judgment on the pleadings arguing, as relevant here, that it was immune from suit under the workers' compensation statutes because it was Schueler's statutory employer. Schueler opposed the motion and the district court denied it. MGM moved for reconsideration and the district court granted it over Schueler's opposition. This appeal followed.

Under *Richards v. Republic Silver State Disposal, Inc.*, a property owner is immune from suit from an injured worker when that worker is employed by an NRS 624 licensed principal contractor hired by the property owner and the injury arose out of risks associated with the licensed work the contractor was hired to perform. 122 Nev. 1213, 1224-25, 148 P.3d 684, 691-92 (2006). Here, Schueler does not argue that his employer was not an NRS 624 licensed principal contractor hired by MGM, but instead argues that his injury did not arise from a risk associated with the work his employer was contracted to perform. Specifically, Schueler argues that falling from the outside of the sign would be a risk associated with his work on the sign but that what happened to him–falling through the floor of the sign–was not a risk associated with working on the sign because no one would expect the floor to give way. However, the *Richards* opinion indicated it would be a "rare circumstance[ ] when the injury bears no nexus to the work for which the NRS Chapter 624 license was issued" and explained that that situation would exist when the injury did "not originate in any risk inherent to the environment or conditions under which that licensed work was being performed." *Id.* at 1224, 148 P.3d at 691. And when performing work at an elevated location, such as the MGM sign, a risk inherent to working in such an environment is falling. Therefore, the district court did not err in concluding that MGM was entitled to immunity and granting judgment on the pleadings. *See id.* at 1224-25, 148 P.3d at

691-92; *Lawrence v. Clark Cty.*, 127 Nev. 390, 393, 254 P.3d 606, 608 (2011) (stating the standard for judgment on the pleadings). Accordingly, we

ORDER the judgment of the district court AFFIRMED.[1]

_____, C.J.
Gibbons



_____, J.
Tao

_____, J.
Bulla

cc: Hon. Michael Villani, District Judge
Brenske & Andreevski
Hall Jaffe & Clayton, LLP
Eighth District Court Clerk

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[1]We have considered Schueler's remaining arguments and conclude they do not provide a basis for relief.