

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

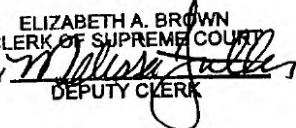
JONATHAN HAMBLETON,  
INDIVIDUALLY,  
Appellant,  
vs.

HELP LAS VEGAS HOUSING  
CORPORATION D/B/A HELP GENESIS  
APARTMENTS; HELP LAS VEGAS  
HOUSING CORPORATION II; H.E.L.P.  
SOCIAL SERVICE CORPORATION  
D/B/A H.E.L.P. USA; HELP LAS VEGAS  
HOUSING ASSOCIATES II LP D/B/A  
RENAISSANCE APARTMENTS AT  
HELP LAS VEGAS PLAZA; AND HELP  
OWENS ASSOCIATES LIMITED  
PARTNERSHIP,  
Respondents.

No. 89391-COA

**FILED**

MAY 21 2026

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Jonathan Hambleton appeals from a district court order granting summary judgment in a negligence matter. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Respondents HELP Las Vegas Housing Corporation dba HELP Genesis Apartments; HELP Las Vegas Housing Corporation II; H.E.L.P. Social Service Corporation dba H.E.L.P. USA; HELP Las Vegas Housing Associates II LP dba Renaissance Apartments at HELP Las Vegas Plaza; and HELP Owens Associates Limited Partnership (hereinafter, HELP), managed several housing complexes in Las Vegas. One of those complexes, Genesis, provided sober, transitional housing for veterans while they worked towards gaining independence. Residents of Genesis were not allowed to drink alcohol on or off the property. Another HELP complex,

Renaissance, provided traditional, permanent housing for low-income individuals. Unlike at Genesis, alcohol was not prohibited for residents of Renaissance. Both properties prohibited residents from possessing weapons of any kind, including knives with blades longer than three inches.

Although Genesis and Renaissance served different populations, they were situated on the same property and were separated only by a pathway and a gated entrance. At times, HELP incentivized residents who graduated from the year-long transitional housing program at Genesis to move into the permanent housing at Renaissance by offering those residents free food at Genesis after moving. To accommodate Renaissance residents returning to Genesis for free food, HELP often left the gated entrance between the two properties unlocked and it did not generally restrict Renaissance residents' access to Genesis or its residents.

Franklin Pierce Ritchey, Jr. was a Genesis-turned-Renaissance resident who was permitted to enter Genesis for free food. The record reflects that Ritchey had mental-health issues and that some HELP employees were uncomfortable around Ritchey because he said disturbing things, including that he had killed his own children. After moving to Renaissance, Ritchey was involved in several incidents.

The first incident occurred in June 2018, when Ritchey, who had just consumed two bottles of wine, called 9-1-1 because "he saw a suspicious car circling the parking lot" and "was going to defend himself." When police and medical staff arrived, Ritchey told them that he had some mental issues. He also told police that "if they ever came back on the

property, that they had better have their guns.” Ultimately, an ambulance transported Ritchey to a facility for a possible Legal 2000 hold.<sup>1</sup>

The second incident occurred in January 2019, after HELP staff noticed a chemical burning smell coming from Ritchey’s floor. On this occasion, Ritchey told the staff that he placed \$23,000 in his oven and accidentally turned on the oven, which caused the money to burn.

The third incident occurred in May 2019, when Ritchey<sup>2</sup> attempted to grab two saved meals from the security desk at Genesis. After a safety monitor told Ritchey he was entitled to only one of the meals, Ritchey snatched a pen out of the monitor’s hands and cursed at him. As a result, Genesis banned Ritchey for a week.

Months later, in October 2019, Hambleton moved into Genesis. Hambleton soon became acquainted with another veteran at Genesis who introduced him to Ritchey. After that introduction, Hambleton socialized with Ritchey in Ritchey’s apartment on three or four occasions without incident.

On November 29, 2019, Hambleton went out drinking with some Genesis residents at a local casino. Later that evening, Hambleton and a few Renaissance residents went over to Ritchey’s apartment for

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<sup>1</sup>NRS 433A.160(1) provides that “[a]n officer authorized to make arrests in the State of Nevada” who “has probable cause to believe that the person is a person in a mental health crisis, may place the person on a mental health crisis hold.” That hold is sometimes referred to as a “Legal 2000” hold because of “the form that is filed to initiate th[e] process.” *Whisman v. State*, No. 57246, 2012 WL 4513773, at \*1 n.1 (Nev. Oct. 1, 2012) (Order of Affirmance).

<sup>2</sup>Although the relevant incident log identifies the individual in question as “Jeffrey Ritchey,” HELP does not dispute Hambleton’s claim that this incident log was related to Franklin Ritchey.

drinks and to hang out. By 12:00 a.m. on November 30, everyone but Hambleton had left. When Hambleton eventually stood up to leave, Ritchey "lost it." In an apparent delusional state, Ritchey began stabbing Hambleton repeatedly in the neck and arm with a kitchen knife.

Luckily, Hambleton managed to escape. He fled Ritchey's apartment and ran towards Genesis, then lost consciousness and collapsed. A security guard found Hambleton, who awoke in the hospital sometime later.

After the stabbing, Hambleton sued HELP for negligence; negligent hiring, training, retention, and supervision; and intentional infliction of emotional distress. In the operative complaint, Hambleton alleged that HELP was negligent in providing Ritchey, who was mentally ill, with the knife Ritchey used to stab him in violation of HELP's own no-weapons policy. Hambleton further alleged that HELP had actual or constructive notice of Ritchey's "dangerous propensities" and therefore had a duty to warn.

HELP moved for summary judgment on the basis that they had no duty to control Ritchey's dangerous conduct because, under the totality of the circumstances, Ritchey's criminal act was not foreseeable. HELP asserted that they had no reason to foresee the stabbing when Ritchey "had no history of use of weapons," HELP was not "aware [Ritchey] had the chef's knife" used to stab Hambleton, and "it all happened inside Ritchey's private apartment, after midnight, with the doors closed to the world." For support, HELP asserted that Ritchey got the knife used to stab Hambleton from his mother, and not from HELP.

In opposition, Hambleton argued it was foreseeable that giving residents large kitchen knives and failing to enforce HELP's rule against

such weapons increased the risk of harm, giving rise to a duty of care. Hambleton further argued that the incident was foreseeable in light of the prior instances of knife violence at Genesis and HELP's third property, Bonanza,<sup>3</sup> and argued that Ritchey's three prior incidents put HELP on notice that he could be violent.

Ultimately, the district court granted HELP's motion for summary judgment as to all of Hambleton's claims, finding that HELP did not owe Hambleton a duty of care where the attack in question was not foreseeable. The court found that Hambleton produced no evidence that HELP gave Hambleton the subject knife, or that it knew or had reason to know that the knife was in his apartment. The court declined to consider the "dissimilar" and "distant" incidents occurring at Genesis and Bonanza, and concluded the attack was not foreseeable because it was "committed without warning and in the late-night hours inside Mr. Ritchey's private, permanent apartment" at Renaissance.

Hambleton filed a motion for reconsideration, arguing for the first time that the stabbing was foreseeable because HELP allowed Renaissance residents on the Genesis campus for free food and "HELP knew enough about Ritchey's drinking and mental instability to foresee that letting him come to Genesis—where he could invite residents there to drinking parties—would increase the risk of harm to this vulnerable

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<sup>3</sup>Bonanza was located 1.2 miles away from Genesis and Renaissance. Like Genesis, Bonanza provided sober transitional housing for veterans. Although prior violent incidents, including some involving knives, had occurred at both Genesis and Bonanza, no similar incidents had occurred at Renaissance.

population.”<sup>4</sup> HELP opposed the motion, pointing out that these new arguments could have been raised before and were thus an improper basis for reconsideration. In its order denying the motion for reconsideration, the district court stated that it had considered the new arguments on the merits and rejected them. Hambleton timely filed this appeal.

*HELP did not have a duty to warn or protect Hambleton from Ritchey because the incident was not foreseeable*

On appeal, Hambleton contends the district court erred when it determined that HELP had no legal duty to protect him from violence by Ritchey. Hambleton argues HELP owed him a duty of care because the harm created by HELP’s conduct was foreseeable and therefore the court erred in granting summary judgment in favor of HELP.

“This court reviews an order granting summary judgment de novo.” *Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 602, 172 P.3d 131, 134 (2007). “[S]ummary judgment is appropriate ‘when the pleadings, depositions, answers to interrogatories, admissions, and affidavits, if any, that are properly before the court demonstrate that no genuine [dispute] of material fact exists, and the moving party is entitled to judgment as a matter of law.’” *Id.* (quoting *Wood v. Safeway, Inc.*, 121 Nev. 724, 731, 121 P.3d 1026, 1031 (2005)); accord NRCP 56(a). “A genuine

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<sup>4</sup>For support, Hambleton asserted the following: that HELP took federal funds to provide veterans with an alcohol-free campus; that HELP knew that the veterans it was serving at Genesis were vulnerable and trying to get their lives together; that HELP knew that its Renaissance residents had mental-health issues and access to alcohol; that HELP knew alcohol created opportunities for criminal conduct and that residents at Bonanza had alcohol-fueled fights; and that HELP nevertheless kept the gate unlocked between Renaissance and Genesis and let Renaissance residents enter and linger at Genesis for free meals.

[dispute] of material fact exists if, based on the evidence presented, a reasonable jury could return a verdict for the nonmoving party.” *Butler ex rel. Biller v. Bayer*, 123 Nev. 450, 457-58, 168 P.3d 1055, 1061 (2007).

“[T]o prevail on a negligence claim, a plaintiff must establish four elements: (1) the existence of a duty of care, (2) breach of that duty, (3) legal causation, and (4) damages.” *Sanchez ex rel. Sanchez v. Wal-Mart Stores, Inc.*, 125 Nev. 818, 824, 221 P.3d 1276, 1280 (2009). Whether a defendant owes a plaintiff a duty of care is a question of law that this court reviews de novo. *Id.* at 823, 221 P.3d at 1280.

“[U]nder common-law principles, no duty is owed to control the dangerous conduct of another or to warn others of the dangerous conduct.” *Id.* at 824, 221 P.3d at 1280. “An exception to this general rule arises, however, and an affirmative duty to aid others is recognized when (1) a special relationship exists between the parties or between the defendant and the identifiable victim, and (2) the harm created by the defendant’s conduct is foreseeable.”<sup>5</sup> *Id.* at 824, 221 P.3d at 1280-81. “[F]oreseeability is determined on a totality-of-the-circumstances basis.” *Scialabba v. Brandise Constr. Co.*, 112 Nev. 965, 970, 921 P.2d 928, 931 (1996).

On appeal, Hambleton abandons his prior argument that HELP was negligent in providing (or permitting) Ritchey to have the knife that was used to stab him. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (“Issues not raised in an appellant’s

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<sup>5</sup>HELP did not seek summary judgment on the special-relationship issue below and, in granting summary judgment to HELP, the district court assumed the parties had the requisite special relationship and only addressed whether the harm was foreseeable. Because HELP did not raise the special-relationship issue below and the foreseeability issue is dispositive here, we need not address whether a special relationship existed.

opening brief are deemed waived.”). Instead, Hambleton seeks to establish foreseeability under the totality of the circumstances by arguing that HELP was aware of Ritchey’s mental illness and propensity for violence and it knew of other violent incidents occurring between its residents at the Bonanza and Genesis properties. Additionally, Hambleton reiterates the alcohol-based foreseeability arguments he first made in his motion for reconsideration that were based on the nature of HELP’s business.<sup>6</sup>

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<sup>6</sup>In their answering brief, HELP points out that Hambleton changed his theory of liability in his motion for reconsideration, raising for the first time these alcohol-based foreseeability arguments. Because Hambleton’s motion for reconsideration and the district court’s order are part of our appellate record and the district court “elected to entertain the motion on its merits,” we “may” consider these arguments. *Arnold v. Kip*, 123 Nev. 410, 417, 168 P.3d 1050, 1054 (2007). Although this court is not required to consider these new arguments on appeal, we elect to do so because HELP did not argue otherwise in their briefing. *See State v. Eighth Jud. Dist. Ct. (Doane)*, 138 Nev. 896, 900, 521 P.3d 1215, 1221 (2022) (recognizing the Nevada appellate courts “follow the principle of party presentation” and thus “rely on the parties to frame the issues for decisions and assign to courts the role of neutral arbiter of matters the parties present” (quoting *Greenlaw v. United States*, 554 U.S. 237, 243 (2008))); *Senjab v. Alhulaibi*, 137 Nev. 632, 633-34, 497 P.3d 618, 619 (2021) (“We will not supply an argument on a party’s behalf but review only the issues the parties present.”).

Hambleton relies on three Nevada Supreme Court cases—*Early*,<sup>7</sup> *Doud*,<sup>8</sup> and *Scialabba*<sup>9</sup>—to argue that his stabbing was foreseeable because HELP allowed residents of Renaissance and Genesis to interact with one another, thereby exposing Genesis residents like himself to an increased risk of crime caused by alcohol and mental illness. Based on these cases, Hambleton argues that he did not need to prove that violence by Ritchey was foreseeable; instead, he only needed to establish that HELP's actions increased the risk of crime in general. However, these cases are inapposite.

In *Early*, *Doud*, and *Scialabba*, the Nevada Supreme Court recognized a duty of care to provide reasonable security measures under circumstances where crime, in general, was foreseeable, and providing security measures could have directly prevented the crimes at issue in those cases from occurring. See *Early*, 100 Nev. at 204, 678 P.2d at 685; *Doud*, 109 Nev. at 1104, 864 P.2d at 801; *Scialabba*, 112 Nev. at 970, 921 P.2d at 931. In this case, by contrast, Hambleton argues HELP had a variety of interrelated duties, all of which were designed to prevent a relationship from forming between himself and Ritchey, to indirectly prevent the crime that occurred in Ritchey's apartment.

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<sup>7</sup>*Early v. N.L.V. Casino Corp.*, 100 Nev. 200, 204, 678 P.2d 683, 685 (1984).

<sup>8</sup>*Doud v. L.V. Hilton Corp.*, 109 Nev. 1096, 1101, 864 P.2d 796, 799 (1993), *superseded in part by statute*, NRS 651.015, *as stated in Est. of Smith ex rel. Smith v. Mahoney's Silver Nugget, Inc.*, 127 Nev. 855, 858-60, 265 P.3d 688, 690-92 (2011).

<sup>9</sup>*Scialabba*, 112 Nev at 969-70, 921 P.2d at 931.

Specifically, Hambleton argues that HELP had a “duty to create a sober campus” and should have foreseen that a failure to keep the residents of Genesis and Renaissance separate would lead to Hambleton and Ritchey becoming acquainted, which would lead to Ritchey offering Hambleton alcohol, which would lead to Hambleton going to Ritchey’s apartment to drink, which would lead to Ritchey having a delusion, which would lead to Ritchey stabbing Hambleton. But in *Early*, *Doud*, and *Scialabba*, it was the potential breach of security-related duties (i.e., the duty to lock a door or to provide adequate security) in areas where crime was known to occur that made harm by a third party *directly* foreseeable (i.e., by giving an unwelcome third party access to a location where they could commit a crime in secret). Those cases are therefore distinguishable.

Moreover, the crime in this case did not occur at Genesis where HELP controlled the presence of alcohol; it occurred inside of a private apartment at Renaissance where alcohol was allowed. Additionally, we are not persuaded that evidence of weapons-based crimes occurring on the Genesis and Bonanza campuses made it foreseeable that a knife attack would occur inside of a private apartment at Renaissance, especially when no such incidents had previously occurred at Renaissance. Ultimately, Hambleton’s alcohol-based theory of liability fails to provide a directly foreseeable path from the breach of the alleged duties to Ritchey’s subsequent knife attack—and any harm resulting from it—making it difficult, if not impossible, for HELP to have anticipated such harm. See *Doud*, 109 Nev. at 1102, 864 P.2d at 799 (stating that a “duty to take affirmative action to reasonably attempt to prevent the wrongful acts of third persons arises *only* where there is reasonable cause to anticipate such acts and the probability of injury resulting therefrom” (emphasis added)).

To the extent Hambleton contends that the stabbing was foreseeable based on the nature of HELP's business—housing vulnerable residents with mental illness and substance-abuse disorders at both Renaissance and Genesis—we note that extending liability on this basis would disincentivize landlords from renting to mentally-ill tenants or tenants with substance-abuse issues, which, as a matter of policy, weighs against finding liability here. *See Griffiths v. Campbell*, 679 N.E.2d 536, 540 (Mass. 1997) (“There must be limits to the scope or definition of reasonable foreseeability based on considerations of policy and pragmatic judgment.” (internal quotation marks and citation omitted)); *accord Ashwood v. Clark County*, 113 Nev. 80, 84, 930 P.2d 740, 742-43 (1997) (“By defining the scope of duty in negligence cases that come before them, the courts are making a vital expression of the aggregate of those policy considerations which cause the law to conclude that protection is owed.” (internal quotation marks omitted)).

As New York's Supreme Court, Appellate Division explained,

A landlord is not competent to assess the dangerous propensities of [its] mentally ill tenants, nor does [it] have the resources, or control over [its] tenants necessary to avert the sort of tragedy presented by this case.

....

... [B]y arbitrarily requiring a landlord to assume responsibility for the unprecedented acts of a mentally ill tenant over which the landlord has no control, we do little to prevent the sort of harm suffered by plaintiff. The reverse is the case. The mentally ill, forced from their homes because of what a landlord has determined they are likely to do, will decompensate on the streets. No one will be the safer for this.

*Gill ex rel. Gill v. N.Y.C. Hous. Auth.*, 519 N.Y.S.2d 364, 370, 372 (App. Div. 1987). Likewise, to impose liability based on the nature of HELP's business would induce landlords to decline housing to individuals with mental illness or substance-abuse disorders, potentially making our community less safe.

Alternatively, Hambleton argues that, "even looking at Ritchey in particular, testimony from security staff revealed that HELP knew Ritchey was dangerous." Hambleton relies on evidence of Ritchey's three prior incidents, including evidence that HELP's staff was concerned that Ritchey had admitted to "violent thoughts" like "killing children." Thus, Hambleton contends HELP had a duty to warn him of Ritchey's violent propensities, and the stabbing was foreseeable because HELP knew Ritchey was both mentally ill and dangerous.

Nevada's appellate courts have not addressed the circumstances in which a landlord would have a "duty to warn" a resident or guest about another resident to prevent a violent attack from occurring on the premises. Nevertheless, the Nevada Supreme Court has generally addressed the circumstances in which violence against a resident or guest could be deemed foreseeable. For instance, in *Rockwell v. Sun Harbor Budget Suites*, the supreme court determined that a genuine dispute of material fact existed as to the foreseeability<sup>10</sup> of a violent attack by an apartment-complex security guard who murdered a tenant, where the tenant's husband had informed the apartment manager that his wife was trying to end an affair with the security guard, the security guard had

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<sup>10</sup>Since *Rockwell* was decided, the Nevada Supreme Court has held that duty is a question of law for the court to determine. See, e.g., *Lee v. GNLV Corp.*, 117 Nev. 291, 295, 22 P.3d 209, 212 (2001) (stating that "in a negligence action, the question of whether a 'duty' to act exists is a question of law solely to be determined by the court").

threatened to kill him, and he believed the security guard to be dangerous. 112 Nev. 1217, 1229, 925 P.2d 1175, 1182-83 (1996). By contrast, in *Thomas v. Bokelman*, the supreme court declined to impose liability on defendants who allowed a man previously convicted of rape to live in their home, where that man had a good relationship with the defendants yet obtained a firearm from the defendants' residence and murdered the defendants' friend who was visiting the home. 86 Nev. 10, 13, 462 P.2d 1020, 1022 (1970). The supreme court explained that "no reason appears for anyone in the household to foresee or anticipate [the man's] presence with a gun" and that "[h]is history is not one that involved weapons and the social relationship that had prevailed precluded any present fear of an evil disposition." *Id.*

In the landlord-tenant context, courts in other jurisdictions have found no duty to warn or otherwise protect a tenant or guest from another tenant when that tenant's prior acts did not include similar physical violence, or an inclination to attack a specific person, because under those circumstances, future physical violence was not foreseeable. *See, e.g., Miller ex rel. Miller v. Tabor W. Inv. Co.*, 196 P.3d 1049, 1051, 1057-58 (Or. Ct. App. 2008) (determining that the respondents did not have a duty to warn or otherwise protect a mentally-impaired tenant because it was unforeseeable that a mentally-ill tenant would assault the mentally-impaired tenant, even though the apartment management company knew the mentally-ill tenant had thrown things out of his window when asked to turn down his music, had pushed the mentally-impaired tenant the day before, had previously been committed to a state hospital for assault, and was on medication, as that "evidence suggest[ed] a general aggressiveness" and not "an inclination to commit a violent assault against [the mentally-impaired tenant]"); *Andrews v. Mobile Aire Ests.*, 22 Cal. Rptr. 3d 832, 843-

44 (Ct. App. 2005) (concluding that respondents did not owe a duty to protect a tenant from another tenant when, absent prior instances of assault or battery, it was unforeseeable that reports of one tenant harassing, insulting, and annoying the other tenant would escalate to violence); *Gill ex rel. Gill*, 519 N.Y.S.2d at 366-67 (concluding that a housing authority did not have a duty “to prevent the mental illness of one of its tenants from erupting into violent behavior injurious to another tenant” because it was unforeseeable that the mentally-ill tenant would stab the other tenant when the only complaint against the mentally-ill tenant was that he wandered inside a neighbor’s apartment six years before the stabbing).<sup>11</sup>

On the other hand, when evidence shows that a landlord was aware of a resident’s prior violent acts or threats against specific residents or guests, courts in other jurisdictions have found a duty to warn or protect the would-be victims. *See, e.g., Madhani v. Cooper*, 130 Cal. Rptr. 2d 778, 780-81 (Ct. App. 2003) (concluding that a tenant’s prior physically-violent and threatening acts toward a particular neighbor, including yelling at and bumping into the neighbor, made it foreseeable to the building owners that

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<sup>11</sup>*See also O’Reilly v. Olympia of Vallejo, LLC*, No. A146915, 2017 WL 1709601, at \*8 (Cal. Ct. App. May 2, 2017) (Unpublished Opinion Affirming) (deciding that a mobile home park did not have a duty to remove a resident because it was not foreseeable that he would stab two other residents, both of whom were his friends, when his past behavior, “though intimidating at times, did not include any physical violence and did not come anywhere close to the brutality of the knife attack”); *Davis v. Gomez*, 255 Cal. Rptr. 743, 743-46 (Ct. App. 1989) (concluding that the respondents did not have a duty to monitor or control the allegedly psychotic behavior of a tenant because it was unforeseeable that the tenant would shoot and kill another tenant when, even though the tenant owned a gun, she exhibited only strange, non-threatening behavior such as miming casting spells).

the tenant would attack her neighbor, for purposes of establishing a duty to protect); *Barber v. Chang*, 60 Cal. Rptr. 3d 760, 769, 771 (Ct. App. 2007) (concluding that a tenant's prior violent threat involving a gun against a specific guest made a future shooting and attack against the guest foreseeable, which imposed a duty on the complex to undertake "one or more minimally burdensome [protective] measures").

Here, Ritchey had no history of harassing, threatening, or harming Hambleton like the tenant in *Madhani*, who repeatedly yelled at and bumped into her neighbor before violently attacking her. To the contrary, Ritchey and Hambleton had socialized with one another on several occasions in Ritchey's apartment without incident. Nor had Ritchey ever brandished a knife or other weapon like the tenant in *Barber*, who brandished a gun while threatening the guest he later attacked. Instead, over a year before the stabbing, Ritchey allegedly told police that "if they ever came back on the property, that they had better have their guns." About six months later, he allegedly stated that he burned \$23,000 in his oven. A few months later, he allegedly snatched a pen from a safety monitor's hands. And at some point, Ritchey allegedly told someone that he killed his children. None of those incidents involved physical violence or threats of such violence toward Hambleton or other Genesis residents, although any threats or descriptions of violence may be concerning. While Ritchey's behavior suggested a potential mental illness, that behavior did not make it foreseeable that he would violently attack Hambleton with a knife inside of his own apartment at Renaissance. Under the circumstances, we decline to impose upon HELP a duty to warn Hambleton that Ritchey was dangerous or a duty to prevent Ritchey from interacting

with him and other Genesis residents on the basis of Ritchey's perceived mental illness and prior unrelated behavior.

Considered together, the totality of the circumstances that Hambleton raises do not make his stabbing foreseeable. Unlike in *Early*, *Doud*, and *Scialabba*, where the potential breach of security-related duties made harm by a third party *directly* foreseeable, Hambleton's theory of liability in this case is far too attenuated and complex to establish the necessary foreseeability, notwithstanding the prior violent incidents between other residents at HELP's other properties (Genesis and Bonanza). Even if HELP had a duty to provide a sober campus at Genesis, the incident in this case did not occur at Genesis; rather, it began inside of Ritchey's private apartment at Renaissance where alcohol was permitted. Further, Ritchey's prior conduct, while indicative of a potential mental illness, likewise fails to demonstrate foreseeability when he had not been involved in any physically-violent incidents prior to the stabbing, nor had he previously threatened Hambleton with physical harm. And absent such evidence, public policy weighs against imposing a general duty to warn or to protect other residents from Ritchey simply because his behavior suggested he was mentally ill. Under the totality of the circumstances, we conclude that HELP "cannot reasonably be expected to control the interpersonal relationships of tenants or to predict . . . whether one friend poses a threat to another friend, both of whom live in the same [complex]." *Anderson v. 124 Green St. LLC*, No. 09-2626-H, 2011 WL 341709, at \*5 (Mass. Super. Ct. Jan. 18, 2011) (Order Granting Summary Judgment), *judgment entered*, No. SUCV200902626, 2011 WL 12635628 (Mass. Super. Ct. Jan. 21, 2011) (Trial Order), *aff'd*, No. 11-P-814, 2012 WL 4370366 (Mass. App. Ct. Sept. 26, 2012) (Unpublished Opinion).

Because Hambleton has not established that the attack by Ritchey was foreseeable under the totality of the circumstances, HELP did not owe him a duty of care to warn or otherwise prevent the attack. As a result, the district court properly granted summary judgment in favor of HELP.<sup>12</sup> We therefore

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Bulla

  
\_\_\_\_\_, J.  
Gibbons

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Kathleen E. Delaney, District Judge  
Stephen E. Haberfeld, Settlement Judge  
The702Firm  
Hilton Parker LLC  
Thomas Beckom Law, PLLC  
Womble Bond Dickinson (US) LLP/Las Vegas  
Olson, Cannon, Gormley, & Stoberski  
Eighth District Court Clerk

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<sup>12</sup>Insofar as the parties raise other arguments not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.