

IN THE SUPREME COURT OF THE STATE OF NEVADA

THOMAS-MICHAEL KERR,
Appellant,
vs.
CITIBANK (SOUTH DAKOTA) N.A.,
Respondent.

No. 39130

FILED

AUG 12 2002

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a summary judgment against appellant in an action to recover money owed on a credit card. Summary judgment is appropriate when, viewing the record in the light most favorable to the non-moving party, there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.¹ This court reviews an order granting summary judgment de novo.²

Having review the record on appeal, we conclude that the district court did not err in granting summary judgment. Our review of the record reveals the undisputed facts that appellant incurred the balance on the credit card issued to him, and that he had not paid the balance despite respondent's demand for payment. Accordingly, respondent was entitled to judgment as a matter of law.³ We further


¹NRCPC 56(c); Great American Ins. v. General Builders, 113 Nev. 346, 350-51, 934 P.2d 257, 260 (1997).

²Schroeder v. Ely City Mun. Water Dep't, 112 Nev. 73, 910 P.2d 260 (1996).

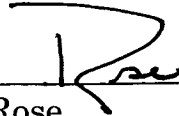
³See NRS 97A.150(1) (providing that a credit cardholder "is personally liable for all charges incurred on his credit card account").

conclude that the district court did not abuse its discretion in awarding respondent attorney fees and costs.⁴ Accordingly, we affirm the district court's judgment.⁵

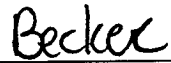
It is so ORDERED.⁶



Shearing J.



Rose J.



Becker J.

cc: Hon. Jeffrey D. Sobel, District Judge
Wanderer & Wanderer
Thomas-Michael Kerr
Clark County Clerk

⁴See NRS 18.010(2); NRS 18.020(3); see also Miller v. Jones, 114 Nev. 1291, 1300, 970 P.2d 571, 577 (1998).

⁵We note that there is a \$10.00 difference between the amount Citibank requested (\$7,763.33) and the amount of the district court's judgment (\$7,753.33). Under NRCP 60(a), the district court may correct a clerical error on its own initiative or on the motion of any party.

⁶Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from appellant.