

IN THE SUPREME COURT OF THE STATE OF NEVADA

RONALD HART AND JODY HART,  
Appellants,  
vs.  
GLEN DORY,  
Respondent.

No. 39681

**FILED**

AUG 21 2003

BY Janet M. Bloom  
CLERK OF SUPREME COURT  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a final judgment in an accounting malpractice case. The district court granted respondent's motion for summary judgment for all but one of appellants' claims based on the statute of limitations. The remaining claim was dismissed under NRCP 41(e) when appellants failed to bring the matter to trial within five years. We conclude that the district court did not err in granting summary judgment<sup>1</sup> or in dismissing the remaining claim under NRCP 41(e).<sup>2</sup> Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

Shearing J.

Leavitt J.

Becker J.  
Becker

<sup>1</sup>See NRS 11.190(2)(c) (establishing four-year period for contract or obligation not founded upon instrument in writing); NRS 11.190(3)(c) (establishing a three-year period for conversion); NRS 11.190(3)(d) (establishing a three-year period for fraud); NRS 11.190(4)(c) (establishing a two-year period for libel or slander); NRS 11.190(4)(e) (establishing a two-year period for personal injury); NRS 11.2075(1)(b) (establishing a four-year period from completion of services for accountant malpractice).

<sup>2</sup>See Prostack v. Lowden, 96 Nev. 230, 606 P.2d 1099 (1980) (holding that to be valid, a written stipulation must explicitly waive NRCP 41(e)).

<sup>3</sup>Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted in this appeal.

cc: Hon. Peter I. Breen, District Judge  
Mirch & Mirch  
Terrill R. Dory  
Washoe District Court Clerk