

SUPREME COURT OF NEVADA

Joynt v. California Hotel & Casino, 108 Nev. 539

835 P.2d 799 (1992) · No. No. 22392 · Decided August 5, 1992

SUMMARY

The Supreme Court of Nevada reversed a summary judgment in favor of a casino in a premises liability action. The court held that the plaintiff had raised genuine issues of material fact regarding the casino's negligence and causation, and that his possible contributory negligence did not bar recovery under Nevada's comparative negligence doctrine.

CASE DETAILS

COURT	Supreme Court of Nevada
JURISDICTION	Nevada
DECIDED	August 5, 1992
DOCKET	No. 22392
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from district court order granting summary judgment
STANDARD OF REVIEW	De novo review of summary judgment orders
PRECEDENTIAL VALUE	Published
PARTIES	Patrick Joynt v. California Hotel & Casino

TOPICS

- premises liability
- negligence
- summary judgment
- comparative fault
- civil procedure

PRACTICE AREAS

- Torts
- Civil Procedure

QUESTIONS PRESENTED

- Whether Joynt raised genuine issues of fact regarding the casino's negligence
- Whether Joynt's actions should be judged by a reasonableness standard
- Whether comparative negligence bars Joynt's negligence action

HOLDINGS

1. Summary judgment is inappropriate when there are genuine issues of material fact regarding the defendant's negligence and causation, and when the plaintiff's own negligence does not bar recovery under comparative negligence.

KEY QUOTATIONS

"Summary judgment is appropriate only when the moving party is entitled to judgment as a matter of law, and no genuine issue of material fact remains for trial;" (800)

"A party's negligence becomes a question of law only when the evidence will support no other inference." (801)

"In any action to recover damages ... in which comparative negligence is asserted as a defense, the comparative negligence of the plaintiff ... does not bar a recovery if that negligence was not greater than the negligence ... of the parties to the action against whom recovery is sought." (802)

FACTUAL BACKGROUND

On February 21, 1988, Joynt was waiting to enter a restaurant at the California Hotel and Casino. The waiting area was crowded. Another person asked to pass, and Joynt stepped back, falling over a protruding base plate of a statue. He injured his left shoulder, arm, and right knee. He sued the casino for negligence. During deposition, he admitted he would not have fallen if he had seen the base plate. The casino moved for summary judgment, which was granted.

PROCEDURAL HISTORY

Joynt filed a negligence complaint against the casino. The casino moved for summary judgment, arguing that Joynt's own negligence caused his fall. The district court granted summary judgment. Joynt appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand this case to the district court for further proceedings consistent with this opinion.

CASES CITED

- *Tore, Ltd. v. Church*, 105 Nev. 183, 772 P.2d 1281 (1989)
- *Perez v. Las Vegas Medical Center*, 107 Nev. 1, 805 P.2d 589 (1991)
- *Shepard v. Harrison*, 100 Nev. 178, 678 P.2d 670 (1984)
- *Nehls v. Leonard*, 97 Nev. 325, 630 P.2d 258 (1981)
- *Sims v. General Telephone and Electric*, 107 Nev. 516, 815 P.2d 151 (1991)
- *Renaud v. 200 Convention Center, Ltd.*, 102 Nev. 500, 728 P.2d 445 (1986)
- *O'Dell v. Martin*, 101 Nev. 142, 696 P.2d 996 (1985)

- Berge v. Fredericks, 95 Nev. 183, 591 P.2d 246 (1979)
- Hennesy v. Tina Marie Homes, Inc., 388 P.2d 758 (Colo. 1963)
- Hill v. Gaertner, 92 N.W.2d 810 (Minn. 1958)
- Young v. Price, 388 P.2d 203 (Haw. 1963)
- Wagonwheel Saloon & Gambling Hall, Inc. v. Mavrogan, 78 Nev. 126, 369 P.2d 688 (1962)
- Chance v. Lawry's, Inc., 58 Cal. 2d 368, 374 P.2d 185 (1962)
- Calerich v. Cudahy Packing Co., 170 Colo. 222, 460 P.2d 801 (1967)
- Otts v. Brough, 90 Idaho 124, 409 P.2d 95 (1965)
- Autry v. Walls I.G.A. Foodliner, Inc., 209 Kan. 424, 497 P.2d 303 (1972)
- Todd v. Harr, Inc., 69 Wash.2d 166, 417 P.2d 945 (1966)
- Young's Machine Co. v. Long, 100 Nev. 692, 692 P.2d 24 (1984)
- Warmbrodt v. Blanchard, 100 Nev. 703, 692 P.2d 1282 (1984)
- Taylor v. Silva, 96 Nev. 738, 615 P.2d 970 (1980)