

SUPREME COURT OF NEVADA

Saylor v. Arcotta, 126 Nev. 92

225 P.3d 1276 (2010) · No. No. 50598 · Decided March 4, 2010

SUMMARY

The Nevada Supreme Court clarified the limitations periods applicable to equitable indemnity and contribution claims arising from alleged medical malpractice. It held that equitable indemnity claims are governed by NRS 11.190(2)(c), while contribution claims are governed by NRS 17.285. Because no judgment or actual loss had occurred, the limitations periods had not begun to run, and the court reversed the summary judgment and remanded.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Chief Justice Parraguirre; Justice Douglas; Justice Pickering
JURISDICTION	Nevada
DECIDED	March 4, 2010
DOCKET	No. 50598
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appellants challenged the district court's grant of summary judgment dismissing their third-party claims for equitable indemnity and contribution as barred by the medical-malpractice statute of limitations. The district court certified the summary judgment as final under NRCP 54(b).
STANDARD OF REVIEW	De novo review of the district court's grant of summary judgment and questions of law.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Jack Saylor, individually, Boulder Cab, Inc., d/b/a Deluxe Taxi Cab Service v. Dr. Karen Arcotta, Dr. Muhammad Bhatti, Dr. Nancy Anne Donahoe

TOPICS

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QUESTIONS PRESENTED

1. Whether claims for equitable indemnity arising from medical-malpractice allegations are governed by the medical-malpractice limitations period in NRS 41A.097(2) or by the limitations period for actions on implied contracts in NRS 11.190(2)(c).
2. Whether a contribution claim is governed by the fixed limitations period in NRS 17.285 rather than the medical-malpractice limitations period in NRS 41A.097(2).
3. Whether the appellants' equitable indemnity and contribution claims were time-barred before any judgment, settlement, or actual loss had occurred.

HOLDINGS

1. An equitable indemnity claim arising from medical-malpractice allegations is not governed by the medical-malpractice limitations period in NRS 41A.097(2); it is governed by the four-year limitations period for actions on implied contracts under NRS 11.190(2)(c).
2. A contribution claim is governed by the specific one-year limitations period in NRS 17.285(3), which begins after a judgment against two or more tortfeasors becomes final by lapse of time for appeal or after appellate review.
3. The district court erred in granting summary judgment and dismissing the appellants' third-party complaint as time-barred because the applicable limitations periods for equitable indemnity and contribution had not begun to run.

KEY QUOTATIONS

“In doing so, we conclude that claims for equitable indemnity are subject to the limitations period prescribed by NRS 11.190(2)(c), while claims for contribution are subject to the limitations period prescribed by NRS 17.285.” (1277)

“In line with this view, we hold that equitable indemnity claims that arise out of medical malpractice allegations are not subject to NRS 41A.097(2)'s limitations period for medical malpractice claims, but are instead subject to NRS 11.190(2)(c)'s limitations period for actions on implied contracts.” (1278-1279)

FACTUAL BACKGROUND

A taxicab passenger was injured in an accident, hospitalized two weeks later for a heart attack, and died during surgery. The passenger's heirs and successors sued the cab driver and cab company, who later learned through discovery that medical negligence may have contributed to the death. The appellants filed a third-party complaint against the treating physicians for equitable indemnity and contribution, but had not yet paid any judgment or settlement and no judgment had been entered.

PROCEDURAL HISTORY

After a taxicab passenger died during surgery following an accident, the passenger's heirs sued, among others, the cab driver and cab company. The appellants obtained leave to file a third-party complaint against the treating physicians for equitable indemnity and contribution. The district court granted the physicians' summary-judgment motion, dismissed the third-party complaint as time-barred under NRS 41A.097, and certified the judgment as final under NRCP 54(b). The Nevada Supreme Court reversed and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The district court must conduct further proceedings consistent with the opinion and should entertain the respondents' previously moot motion to dismiss, including its arguments that the contribution claim was premature and the indemnity claim was improper because appellants had no legal relation to respondents.

CASES CITED

- State, Div. of Insurance v. State Farm, 116 Nev. 290, 293, 995 P.2d 482, 484 (2000)
- Wood v. Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005)
- Reggio v. E.T.I., 15 So. 3d 951, 955 (La. 2008)
- Mack Trucks, Inc. v. Bendix-Westinghouse Auto., A.B. Co., 372 F.2d 18, 21 (3d Cir. 1966)
- Aetna Casualty & Surety v. Aztec Plumbing, 106 Nev. 474, 476, 796 P.2d 227, 229 (1990)
- Rodriguez v. Primadonna Co., 125 Nev. ___, ___, 216 P.3d 793, 801 (2009)
- Medallion Dev. v. Converse Consultants, 113 Nev. 27, 33, 930 P.2d 115, 119 (1997)
- Doctors Co. v. Vincent, 120 Nev. 644, 654, 98 P.3d 681, 688 (2004)