

IN THE SUPREME COURT OF THE STATE OF NEVADA

GARTH S. RICHARDS; GTS  
PARTNERS, INC., A NEVADA  
CORPORATION; AND SILVER OAK  
DEVELOPMENT COMPANY LIMITED  
PARTNERSHIP, A NEVADA LIMITED  
PARTNERSHIP,

Appellants,

vs.

ALLISON, MACKENZIE, RUSSELL,  
PAVLAKIS, WRIGHT & FAGAN, LTD.,  
A NEVADA CORPORATION; AND

STEPHEN D. HARTMAN,

Respondents.

No. 51126

**FILED**

DEC 16 2009

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court's grant of summary judgment in a legal malpractice action. First Judicial District Court, Carson City; Noel E. Manoukian, Judge.

Any attorney/client or other relationship between Richards and his associates, and Hartman and his associates ended in January of 1999, when Richards bought Hartman out. Richards waited more than four years to sue, and his claims are for attorney errors or omissions. See Stalk v. Mushkin, 125 Nev. \_\_\_, 199 P.3d 838, 839 (2009) (stating that legal malpractice claims are "subject to the statute of limitations contained in NRS 11.207(1)"). NRS 11.207(1) therefore bars the suit unless Richards can establish the statute was tolled by operation of NRS 11.207(2), which requires Richards to show that Hartman concealed an actionable act, error, or omission that reasonable diligence by Richards would not have revealed.

Richards acknowledges that, even after full discovery, he can identify no concealed facts. His argument is that the relationship between him and Hartman posed an inherent conflict and that Hartman, as a lawyer, should have advised him on that. But the relationship and any duty of disclosure it involved ended in January of 1999. Richards could have sought independent advice and should have sought such counsel at the latest in January of 1999, when by his own deposition account, he paid too much for too little value in return to buy Hartman out. Richard's injury and all facts relating to it were known to him by January of 1999 and there is no basis to argue concealment by Hartman that reasonable diligence by him would not have revealed after that date.

The order granting summary judgment is, therefore, **AFFIRMED.**

Hardesty, C.J.  
Hardesty

Parraguirre, J.  
Parraguirre

Douglas, J.  
Douglas

Cherry, J.  
Cherry

Saitta, J.  
Saitta

Gibbons, J.  
Gibbons

Pickering, J.  
Pickering

cc: Chief Judge, First Judicial District  
Hon. Noel E. Manoukian, Senior Judge  
Lansford W. Levitt, Settlement Judge  
Gordon & Silver, Ltd.  
Laxalt & Nomura, Ltd./Reno  
Lewis Brisbois Bisgaard & Smith, LLP  
Carson City Clerk