

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACOB YEAGER, A MINOR CHILD, BY
HIS PARENTS AND GUARDIANS, LEE
YEAGER AND PAMELA YEAGER,
Appellant,
vs.
CHANDRA D. WOLFE A/K/A
CHANDRA D. ALEGRIA,
Respondent.

No. 56683

FILED

SEP 15 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Anderson*
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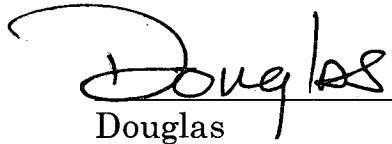
ORDER OF AFFIRMANCE

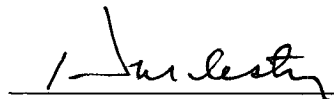
This is an appeal from a district court summary judgment in a tort action. Eighth Judicial District Court, Clark County; David Wall, Judge.

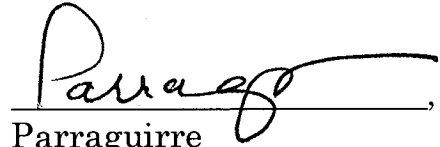
Having reviewed the briefs and appendices on appeal, we affirm the district court's summary judgment. The district court properly concluded that appellant failed to set forth sufficient facts to demonstrate a material issue of fact to avoid summary judgment. Wood v. Safeway, Inc., 121 Nev. 724, 729, 731, 121 P.3d 1026, 1029, 1030-31 (2005) (setting forth the requirements for summary judgment and recognizing that the nonmoving party may not rest upon general allegations and conclusions but must instead set forth, by affidavit or otherwise, specific facts demonstrating the existence of a genuine issue of material fact for trial to avoid summary judgment); Billingsley v. Stockmen's Hotel, 111 Nev. 1033, 1037, 901 P.2d 141, 144 (1995) (stating that determination in a premises liability action is based on whether the landowner acted reasonably under the circumstances); Collier v. Zambito, 807 N.E.2d 254, 256 (N.Y. 2004) (explaining factors to consider in determining if a dog owner knew or should have known of the vicious propensity of the dog for strict liability

purposes and stating that “the mere fact that a dog was kept enclosed . . . or that a dog previously barked at people” is insufficient to “raise a triable issue of fact as to whether it had vicious propensities” because “[b]arking and running around are what dogs do”); see also Lee v. GNLV Corp., 117 Nev. 291, 296-97, 22 P.3d 209, 212-13 (2001) (holding that in some cases the issue of whether a defendant acted reasonably under the circumstances can be determined through summary judgment). Accordingly, we

ORDER the judgment of the district court AFFIRMED.

 _____, J.
Douglas

 _____, J.
Hardesty

 _____, J.
Parraguirre

cc: Hon. David Wall, District Judge
Kathleen J. England, Settlement Judge
Flangas McMillan Law Group, Inc.
Hansen Rasmussen, LLC
Eighth District Court Clerk