

IN THE SUPREME COURT OF THE STATE OF NEVADA

DOUGLAS CONNER, AS EXECUTOR
OF THE ESTATE OF JEANNE HELMS
AND AS TRUSTEE OF THE JEANNE
HELMS LIVING TRUST,

Appellant,

vs.

JACQUELINE SIDMAN AND JEANNE
ROSWELL,
Respondents.

No. 38026

FILED

APR 18 2003

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a summary judgment in an action for fraud, breach of fiduciary duty, and related claims in an action arising from a guardianship. On appeal, Conner disputes the district court's finding that a lack of genuine material fact existed. We disagree.

A motion for summary judgment should be granted if the evidence shows "there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law."¹ The "evidence is reviewed in a light most favorable to the party against whom summary judgment was entered."² Further, any affidavits opposing the motion must be made on personal knowledge.³ Only sworn or certified

¹NRCP 56(c).

²Tore, Ltd. v. Church, 105 Nev. 183, 185, 772 P.2d 1281, 1282 (1989).

³NRCP 56(e); see also Van Cleave v. Kietz-Mill Minit Mart, 97 Nev. 414, 416, 633 P.2d 1220, 1222 (1981).

papers shall be attached.⁴ A response to a motion for summary judgment must set forth specific facts showing there is a genuine issue of fact for trial.⁵ If the opposing party fails to set forth such facts, summary judgment may be entered against the opposing party.⁶

Conner failed to provide any evidence beyond mere allegation to support his claims. A party may not build a case on ""the gossamer threads of whimsy, speculation, and conjecture.""⁷

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Rose


_____, J.
Maupin


_____, J.
Gibbons

cc: Eighth Judicial District Court Department 12, District Judge
Douglas Conner
Gordon & Silver, Ltd.
Clark County Clerk

⁴Id.

⁵NRCP 56(e).

⁶Id.

⁷Barmettler v. Reno Air, Inc., 114 Nev. 441, 445, 956 P.2d 1382, 1385 (1998) (quoting Collins v. Union Fed. Savings & Loan, 99 Nev. 284, 302, 662 P.2d 610, 621 (1983) (quoting Hahn v. Sargent, 523 F.2d 461, 469 (1st. Cir. 1975))).