

CALIFORNIA AND NEVADA CASELAW HIGHLIGHTS

CALIFORNIA COURTS OF APPEAL

A worker who is injured on a job site may be entitled to sue another worker's employer on a vicarious liability theory, and avoid a defense summary judgment motion, if there is a factual question about how the accident was caused. *Vogt v. Herron Construction, Inc.*, 200 Cal.App.4th 643 (2011).

A homeowner who does not realize his or her litigation objectives and loses when suing for enforcement of CC&Rs could be subject to an award of attorney fees under the CC&Rs. *Salehi v. Surfside III Condominium Owners' Assn.*, 200 Cal.App.4th 1146 (2011).

An independent contractor who suffers an industrial injury may not sue the party who hired the independent contractor to perform the work, when it is the independent contractor who created the hazard that caused the injury. *Gravelin v. Satterfield*, 200 Cal.App.4th 1209 (2011).

Claimants and trial courts must act properly to avoid a miscarriage of justice when seeking to impose a default judgment against a non-appearing defendant in a civil lawsuit. *Kim v. Westmoore Partners, Inc.*, 201 Cal.App.4th 267 (2011).

NEVADA SUPREME COURT

Federal law preempts state tort law claims against a managed care organization that is contracted by an ERISA plan to facilitate health care provider networks. *Cervantes v. Health Plan of Nevada, Inc.*, 263 P.3d 261 (Nev. 2011).

A party who seeks a continuance of a summary judgment motion in order to obtain evidence needed to oppose the motion must submit an affidavit stating the reasons for the continuance. *Choy v. Ameristar Casinos, Inc.*, 265 P.3d 698 (Nev. 2011)

CAVEAT: THE FOREGOING DOES NOT CONSTITUTE LEGAL ADVICE. PLEASE CONSULT AN ATTORNEY FOR INDIVIDUAL ADVICE REGARDING INDIVIDUAL SITUATIONS.

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