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\*1022 43 P.3d 1022

Supreme Court of Nevada.

Miguel CHAVEZ, Appellant,

v.

Gail SIEVERS, an Individual; Prosource Sales & Marketing,  
Inc., a Nevada Corporation; and Todd Hunt, an  
Individual, Respondents. (Two Cases).

No. 34580, 34932.

April 12, 2002.

Rehearing Denied May 7, 2002.

Hispanic employee brought action against his former employer, its general manager, and its president, alleging that he worked in environment hostile to Hispanics and that manager and president conspired to deprive him of equal protection. The Second Judicial District Court, Washoe County, Steven P. Elliott, J., entered summary judgment for employer, manager, and president and award them attorney fees, and employee appealed. The Supreme Court, Shearing, J., held that: (1) there is no public policy exception to the at-will employment doctrine for alleged racial discrimination at small businesses, and (2) employee did not establish claim under statute prohibiting conspiracy to interfere with civil rights.

Affirmed.

Rose, J., concurred and filed opinion in which Maupin, C.J., and Leavitt, J., joined.

## West Headnotes

## [1] Civil Rights ⇨ 449

78 ---

78III State Remedies

78k448 Civil Actions

78k449 Nature and Grounds.

Since legislature has provided a remedy for racial discrimination in employment only to those who work for employers with fifteen or more employees and since court must respect the legislature's limitation, there is no common law cause of action for employment discrimination based on race, even when the employer has fifteen employees or less. West's NRS 613.330(1).

## [2] Conspiracy ⇨ 7.5(2)

91 ---

## 91I Civil Liability

91I(A) Acts Constituting Conspiracy and Liability Therefor

91k7.5 Conspiracy to Interfere with Civil Rights

91k7.5(2) Rights or Privileges Involved.

Statute prohibiting conspiracy to interfere with civil rights does not provide a cause of action for employment discrimination. 42 U.S.C.A. § 1985(3)

## [3] Judgment ⇨ 181(2)

228 ---

228V On Motion or Summary Proceeding

228k181 Grounds for Summary Judgment

228k181(2) Absence of Issue of Fact.

Summary judgment is appropriate if there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.

## [4] Judgment ⇨ 185(6)

228 ---

228V On Motion or Summary Proceeding

228k182 Motion or Other Application

228k185 Evidence in General

228k185(6) Existence or Non-Existence of Fact Issue.

A genuine issue of material fact, for summary judgment purposes, is one where the evidence is such that a reasonable jury could return a verdict for the non-moving party.

## [5] Judgment ⇨ 185(2)

228 ---

228V On Motion or Summary Proceeding

228k182 Motion or Other Application

228k185 Evidence in General

228k185(2) Presumptions and Burden of Proof.

On summary judgment, the evidence is viewed in the light most favorable to the non-movant.

## [6] Civil Rights ⇨ 143

78 ---

78I Rights Protected and Discrimination Prohibited

78I(B) Employment Practices

78k143 Employers and Employees Affected.

Since legislature has provided that the remedies for racial discrimination in employment are limited to employees who work for employers with fifteen or more employees and that small businesses should not be subject to racial discrimination suits, there is no public policy exception to the at-will employment doctrine for alleged racial discrimination at small