

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHELLE HUBBARD, A/K/A  
MICHELLE BELLA HUBBARD,  
Appellant,  
vs.  
MARC D. MCDEVITT; REED WITT;  
AND PAINTED ZEBRA  
PRODUCTIONS, INC.,  
Respondents.

No. 44793

**FILED**

JUL 05 2006

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court judgment in a contract action. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

This matter concerns two agreements between proper person appellant Michelle Hubbard and respondents. Essentially, under the terms of the agreements, Hubbard was to be compensated a percentage of any funds she raised towards the production of the motion picture "El Gato." Hubbard instituted the underlying action primarily seeking to recover money that respondents allegedly owe to her under the terms of the agreements. The district court entered an order on December 6, 2004, granting respondent Painted Zebra Production, Inc.'s motion for summary judgment and awarding Painted Zebra attorney fees. Thereafter, on January 31, 2005, the district court entered an order granting summary

judgment to respondents Marc McDevitt and Reed Witt. Hubbard appeals.<sup>1</sup>

This court reviews the orders granting summary judgment to respondents de novo.<sup>2</sup> Summary judgment was appropriate if the pleadings and other evidence on file, viewed in a light most favorable to Hubbard, demonstrate that respondents were entitled to judgment as a matter of law and that no genuine issue of material fact remains in dispute.<sup>3</sup> And general allegations supported with conclusory statements fail to create an issue of fact.<sup>4</sup> Having considered the record in light of this standard, we conclude that the district court did not err when it granted summary judgment to respondents.<sup>5</sup>

Regarding the district court's award of attorney fees to Painted Zebra, we have consistently recognized that "[t]he decision to

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<sup>1</sup>Hubbard also purports to challenge the portions of the January 31 order dismissing Witt's counterclaim and denying Hubbard's motion for reconsideration of the December 6 order. First, Hubbard is not aggrieved by, and thus lacks standing to appeal, the dismissal of Witt's counterclaim. See NRAP 3A(a); Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 874 P.2d 729 (1994) (providing that a party is "aggrieved" within the meaning of NRAP 3A(a) when a court's order adversely and substantially affects either a personal right or right of property). Second, the denial of a motion for reconsideration is not appealable. See NOLM, LLC v. County of Clark, 120 Nev. 736, 745, 100 P.3d 658, 664 (2004).

<sup>2</sup>See Wood v. Safeway, Inc., 121 Nev. \_\_, \_\_, 121 P.3d 1026, 1029 (2005).

<sup>3</sup>Id.


<sup>4</sup>Yeager v. Harrah's Club, Inc., 111 Nev. 830, 833, 897 P.2d 1093, 1094-95 (1995).

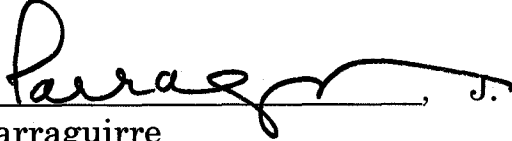
<sup>5</sup>See Wood, 121 Nev. at \_\_, 121 P.3d at 1031.


award attorney fees is within the [district court's] sound discretion . . . and will not be overturned absent 'manifest abuse of discretion.'"<sup>6</sup> Having reviewed the record in light of the broad discretion left to the district court in this area, we conclude that the district court's attorney fees award was not a manifest abuse of discretion.<sup>7</sup>

Accordingly, we affirm the district court's judgment.<sup>8</sup>

It is so ORDERED.

 \_\_\_\_\_, J.  
Becker

 \_\_\_\_\_, J.  
Parraguirre

 \_\_\_\_\_, Sr. J.  
Shearing

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<sup>6</sup>Kahn v. Morse & Mowbray, 121 Nev. \_\_, \_\_, 117 P.3d 227, 238 (2005) (quoting County of Clark v. Blanchard Constr. Co., 98 Nev. 488, 492, 653 P.2d 1217, 1220 (1982)).

<sup>7</sup>See NRS 18.010(2)(b).

<sup>8</sup>Having considered all the issues raised by Hubbard, we conclude that her other contentions lack merit and thus do not warrant reversal of the district court's judgment. Further, in light of this order, we deny Hubbard's request to impose sanctions.

The Honorable Miriam Shearing, Senior Justice, participated in the decision of this matter under a general order of assignment entered January 6, 2006.

cc: Hon. Connie J. Steinheimer, District Judge  
Michelle Hubbard  
Bradley Paul Elley  
Lionel Sawyer & Collins/Reno  
Washoe District Court Clerk