

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENISE R. REED, A/K/A
DENISE RANE FITCH REED,
Appellant,
vs.
KEVIN J. MIRCH,
Respondent.

No. 44960

FILED

NOV 17 2005

ORDER OF AFFIRMANCE

WILLIAM M. BLOOM
CLERK OF THE SUPREME COURT
William M. Bloom
CLERK

This is a proper person appeal from a judgment on a jury verdict and from numerous orders entered after the judgment.¹ Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

We will not overturn a jury verdict if it is supported by substantial evidence, “unless, from all the evidence presented, the verdict was clearly wrong.”² Having reviewed the trial court record, we conclude that the verdict was supported by substantial evidence³ and that it was not clearly incorrect based on the evidence presented at trial.⁴ Accordingly, we affirm the district court’s judgment.

¹Although appellant attempts to appeal from a variety of orders, only a few are appealable: the order denying appellant’s motion for a new trial, the order awarding respondent attorney fees, and the order granting respondent’s motion to amend the judgment. See NRAP 3A(b); Gumm v. Mainor, 118 Nev. 912, 920, 59 P.3d 1220, 1225 (2002).

²Bally’s Employees’ Credit Union v. Wallen, 105 Nev. 553, 555-56, 779 P.2d 956, 957 (1989).

³First Interstate Bank v. Jafbros Auto Body, 106 Nev. 54, 787 P.2d 765 (1990) (providing that substantial evidence is that which “a reasonable mind might accept as adequate to support a conclusion” (citing State, Emp. Security v. Hilton Hotels, 102 Nev. 606, 608, 729 P.2d 497, 498 (1986) (internal citation omitted))).

⁴See Cram v. Durston, 68 Nev. 503, 505, 237 P.2d 209, 210 (1951).

Furthermore, in a single motion, which the district court denied, appellant moved for a new trial, to alter or amend the judgment, for a judgment notwithstanding the verdict, and to amend the findings of fact and the judgment.

A motion for a new trial should be granted when the jury could not have reached the verdict they reached had they properly applied the district court's instructions.⁵ After examining the trial court record, we cannot conclude that the jury, correctly applying the court's instructions, could not have reached the verdict at issue. The district court thus appropriately denied appellant's motion for a new trial.⁶

Regarding the district court's award of attorney fees to respondent under NRCP 68 and Nevada Arbitration Rule 20, "[t]he decision to award attorney fees is within the sound discretion of the district court and will not be overturned absent a 'manifest abuse of discretion'."⁷ Having considered the record, we conclude that the district court did not manifestly abuse its discretion, and that the attorney fee award should be affirmed.

⁵Weaver Brothers, Ltd. v. Misskelley, 98 Nev. 232, 234, 645 P.2d 438, 439 (1982).

⁶No appeal may be taken from an order denying a motion to alter or amend the judgment or an order denying a motion for a judgment notwithstanding the verdict. See Uniroyal Goodrich Tire v. Mercer, 111 Nev. 318, 320 n.1, 890 P.2d 785, 787 n.1 (1995). Likewise, no appeal may be taken from an order denying a motion to amend findings of fact and judgment. Landex, Inc. v. State, Dep't Commerce, 92 Nev. 177, 547 P.2d 315 (1976).

⁷Kahn v. Morse & Mowbray, 121 Nev. __, __, 117 P.3d 227, 238 (2005); see also Beattie v. Thomas, 99 Nev. 579, 588-89, 668 P.2d 268, 274 (1983).

Appellant further challenges the district court's order granting respondent's motion to amend the judgment so that it reflects the 18% interest rate provided by the parties' contract. As the contract provided an applicable interest rate, the district court correctly decided that the \$45,000 in damages shall bear that interest.⁸

Accordingly, we affirm the district court's judgment and orders.

It is so ORDERED.⁹

Becker, C. J.
Becker

Maupin, J.
Maupin

Gibbons, J.
Gibbons

cc: Hon. Janet J. Berry, District Judge
Denise R. Reed
Mirch & Mirch
Washoe District Court Clerk

⁸See NRS 17.130.

⁹Having considered all the issues raised, appellant's other contentions lack merit, and thus do not warrant reversal of the district court's judgment or orders.