

IN THE SUPREME COURT OF THE STATE OF NEVADA

FIVE STAR CAPITAL CORPORATION,
Appellant,
vs.
MICHAEL W. RUBY, INDIVIDUALLY,
AND AS TRUSTEE OF THE RUBY
REVOCABLE TRUST,
Respondent.

No. 47755

FILED

AUG 17 2007

TE M. BLOOM
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF REVERSAL

This is an appeal from a post-judgment order awarding attorney fees. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

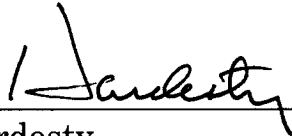
Having reviewed the parties' briefs and appendix, we conclude that the district court abused its discretion in awarding attorney fees under NRS 18.010(2)(a), when respondent obtained no money judgment against appellant.¹ Also, the record reflects a bona fide dispute between the parties concerning which of respondent's two parcels were the subject of the parties' agreement; the only asserted bases for attorney fees under NRS 18.010(2)(b) raised in respondent's district court motion for attorneys are appellant's counsel's failure to appear at calendar call and the fact that appellant had recorded a lis pendens on the property at issue. While the district court's discretion is broad,² "there must be evidence in the

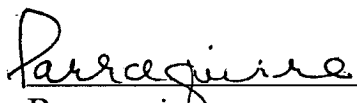
¹See Thomas v. City of North Las Vegas, 122 Nev. 82, 127 P.3d 1057 (2006).


²Id.

record supporting the proposition that the complaint was brought without reasonable grounds or to harass the other party.”³ The record before us contains no such evidence. Accordingly, we reverse the district court’s award of attorney fees.⁴

It is so ORDERED.⁵


_____, J.
Hardesty


_____, J.
Parraguire


_____, J.
Douglas

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Susan Holland Johnson, Settlement Judge
Scarpello & Huss, Ltd.
Thorndal Armstrong Delk Balkenbush & Eisinger/Las Vegas
Eighth District Court Clerk

³Kahn v. Morse & Mowbray, 121 Nev. 464, ___, 117 P.3d 227, 238 (2005) (quoting Semenza v. Caughlin Crafted Homes, 111 Nev. 1089, 1095, 901 P.2d 684, 687 (1995)).

⁴We do not consider appellant’s arguments concerning the propriety of the district court’s dismissal, since appellant did not appeal from that order.

⁵Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted in this appeal.