

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN BADEA,
Appellant,
vs.
ANDRE DEROSSETTI AND
FLORENTINA ENE,
Respondents.

No. 49316

FILED

SEP 10 2007

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

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court judgment dismissing appellant's complaint and awarding attorney fees. Eighth Judicial District Court, Clark County; Lee A. Gates, Judge.

After a short bench trial, the district court dismissed the action, finding that appellant's testimony was not credible, and that his complaint was frivolous. As appellant did not have the trial transcript prepared, we presume that the record supports the district court's conclusion.¹ We further conclude that the district court did not abuse its discretion when it awarded attorney fees to respondents.² Although the district court failed to cite a rule or statute allowing an attorney fees

¹See Borgerson v. Scanlon, 117 Nev. 216, 19 P.3d 236 (2001) (stating that when evidence on which a trial court's judgment rests is not properly included in the record on appeal, it is assumed that the record supports the trial court's findings).

²United Ins. Co. v. Chapman Indus., 120 Nev. 745, 748, 100 P.3d 664, 667 (2004).

award, the record indicates that the district court dismissed the complaint as frivolous and brought without reasonable grounds,³ thus supporting an attorney fee award under either NRS 18.010(2)(b) or NRCP 11. Additionally, nothing in the record indicates that the fee award's amount is unreasonable.

As the record before us reveals no basis for reversal of either the dismissal or the award of attorney fees, we affirm the district court's judgment.

It is so ORDERED.

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

cc: Hon. Lee A. Gates, District Judge
John Badea
Andre Derosetti
Florentina Ene
Eighth District Court Clerk

³Semenza v. Caughlin Crafted Homes, 111 Nev. 1089, 901 P.2d 684, (1995).