

IN THE SUPREME COURT OF THE STATE OF NEVADA

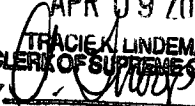
DONNA K. FRANSON AN INDIVIDUAL
AND DOING BUSINESS AS DESIGNS
BY DONNA K,
Appellant,

vs.

NORTHCLIFF DEVELOPMENT, LLC,
A NEVADA LIMITED LIABILITY
COMPANY; AG BUILDERS, INC., A
NEVADA CORPORATION; JAMES F.
ANDERSON, AN INDIVIDUAL; AND
HILTON POLLOCK, AN INDIVIDUAL,
Respondents.

No. 51843

FILED

APR 09 2009
TRACIE LINDEMAN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK

ORDER AFFIRMING IN PART AND REVERSING IN PART

This is an appeal from a district court postjudgment order awarding attorney fees in a contract dispute. Second Judicial District Court, Washoe County; Jerome Polaha, Judge.

Appellant sued respondents for breach of an employment contract.

After a bench trial, the district court awarded appellant damages and both parties moved for attorney fees on different grounds. The district court found respondents to be prevailing parties, awarded respondents attorney fees, and denied appellant's motion for attorney fees. This appeal followed.

Appellant argues that the district court erred when it awarded respondents attorney fees based on the real estate purchase agreement and abused its discretion when it denied appellant's motion for attorney fees, concluding that appellant was not a prevailing party.

We review the district court's legal conclusions concerning the interpretation of a contract de novo. Sheehan & Sheehan v. Nelson Malley & Co., 121 Nev. 481, 486, 117 P.3d 219, 223 (2005). Here, because appellant's claims were based on the employment contract and not on the purchase agreement contract, the district court erred when it awarded respondents attorney fees based on the provisions in the purchase agreement contract. Accordingly, we reverse the portion of the district court's order awarding attorney fees to respondents.

This court reviews the district court's refusal to award attorney fees under NRS 18.010(2)(a) for an abuse of discretion. Collins v. Murphy, 113 Nev. 1380, 1383, 951 P.2d 598, 600 (1997). NRS 18.010(2)(a) permits a prevailing party who obtained a monetary judgment of less than \$20,000 to seek attorney fees. A plaintiff may be considered the prevailing party for attorney fees award purposes, if she succeeded on any significant issue in litigation that achieves some of the benefits sought in bringing suit. See Sack v. Tomlin, 110 Nev. 204, 214, 871 P.2d 298, 305 (1994). After reviewing the parties' briefs and the record on appeal, we conclude that the district court did not abuse its discretion when it concluded that appellant was not a prevailing party for the purposes of an attorney fee award and denied appellant's motion. Accordingly, we affirm the portion of the district court's order denying appellant's motion for attorney fees.

It is so ORDERED.¹

Cherry, J.
Cherry

Saitta, J.
Saitta

Gibbons, J.
Gibbons

cc: Hon. Jerome Polaha, District Judge
Philip A. Olsen, Settlement Judge
Glade L. Hall
Gunderson Law Firm
Washoe District Court Clerk

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