

IN THE SUPREME COURT OF THE STATE OF NEVADA

KAREN FRIEDL, AS PARENT AND
NATURAL GUARDIAN OF JONATHAN
FRIEDL, A MINOR,
Appellant,
vs.
TRACY VACCARO, INDIVIDUALLY
AND AS A REPRESENTATIVE OF EL
DORADO EQUESTRIAN CENTER;
AND EL DORADO EQUESTRIAN
CENTER, A BUSINESS LICENSED
AND DOING BUSINESS IN NEVADA,
Respondents.

No. 52349

FILED

SEP 09 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court judgment following a bench trial in a tort action. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

Appellant filed suit against respondents based on injuries suffered by Jonathan Friedl as he was dismounting his horse while at respondents' equestrian center. The claims at issue in this appeal are for negligence and breach of contract. After a bench trial, the district court ruled in favor of respondents on both claims and awarded attorney fees and costs to respondents. Appellant asserts that the district court improperly concluded that the evidence did not support her claims. She also challenges the attorney fees and costs award.

This court reviews questions of law, including those involving statutory construction, de novo. Martinez v. Maruszczak, 123 Nev. 433, 438, 168 P.3d 720, 724 (2007). We defer to the district court's fact-based determinations if substantial evidence supports the findings. Id. In

addition, we “will not reverse an order or judgment unless error is affirmatively shown.” Schwartz v. Estate of Greenspun, 110 Nev. 1042, 1051, 881 P.2d 638, 644 (1994). We review an award of attorney fees and costs for an abuse of discretion. McCarran Int’l Airport v. Sisolak, 122 Nev. 645, 673, 137 P.3d 1110, 1129 (2006).

Having reviewed the record on appeal and appellant’s proper person appeal statement, we conclude that the district court properly ruled in favor of respondents and therefore affirm the district court judgment. Nothing in the record or in appellant’s proper person appeal statement affirmatively demonstrates any error in the judgment of the district court. In addition, we affirm the award of attorney fees and costs, perceiving no abuse of discretion by the district court. The contract involved in this case provided for attorney fees to respondents as the prevailing party and costs are allowed under NRS 18.020. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

Pickering, J.
Pickering

cc: Hon. Susan Johnson, District Judge
Lester H. Berkson, Settlement Judge
Karen Friedl
Brent D. Percival
Eighth District Court Clerk