

IN THE SUPREME COURT OF THE STATE OF NEVADA

RFC RENO, LLC, A NEVADA LIMITED  
LIABILITY COMPANY,  
Appellant,  
vs.  
JOHN ILIESCU, M.D., TRUSTEE OF  
THE JOHN ILIESCU PROFIT  
SHARING PLAN,  
Respondent.

No. 53096

**FILED**

**MAY 13 2010**

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

ORDER AFFIRMING IN PART, REVERSING IN PART AND  
REMANDING

This is an appeal from a district court judgment in a real property action. Second Judicial District Court, Washoe County; Brent T. Adams, Judge.

Appellant RFC Reno, LLC, argues principally that the district court erred in denying its motion for attorney fees on two grounds.<sup>1</sup> First, RFC argues that it was entitled to attorney fees as the prevailing party under the dispute resolution provision of the parties' parking lot lease. Second, RFC contends that it was entitled to attorney fees under Nevada's offer of judgment protocol because respondent John Iliescu did not improve on RFC's offer to settle the case.

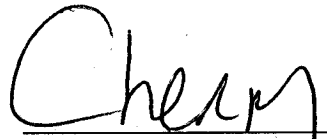
The district court did not err in concluding that neither party was entitled to attorney fees under the lease agreement, and we therefore

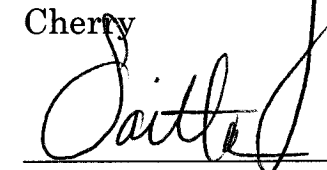
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<sup>1</sup>RFC also argues that the district court erred by failing to consider all of the potential legal grounds for rescinding a contract before rejecting its argument that the parties' contract should be rescinded. Having thoroughly reviewed this argument, we conclude that it is without merit.

affirm the district court's judgment in that respect. However, we are unable to adequately review whether the district court abused its discretion by rejecting RFC's motion for attorney fees under NRCP 68 and NRS 17.115 because there is no record that the district court entertained the necessary Beattie v. Thomas factors in resolving the motion. 99 Nev. 579, 588-89, 668 P.2d 268, 274 (1983); State Drywall v. Rhodes Design & Dev., 122 Nev. 111, 119 n.18, 127 P.3d 1082, 1088 n.18 (2006) (“[T]he record must . . . reflect that the district court considered the Beattie factors.”). Thus, we must reverse the district court's decision to deny RFC attorney fees in this respect and remand this case to the district court with instructions to make explicit findings on the record as to whether RFC is entitled to attorney fees under the requisite Beattie factors. Accordingly, we

ORDER the judgment of the district court AFFIRMED IN PART AND REVERSED IN PART and REMAND this matter to the district court for proceedings consistent with this order.

  
\_\_\_\_\_, J.  
Cherry

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Brent T. Adams, District Judge  
Patrick O. King, Settlement Judge  
Robertson & Benevento/Reno  
Prezant & Mollath  
Washoe District Court Clerk