

IN THE SUPREME COURT OF THE STATE OF NEVADA

LAW OFFICES OF MONT E. TANNER,
LTD., A NEVADA PROFESSIONAL
CORPORATION,
Appellant,
vs.
PLUSFOUR, INC., A NEVADA
CORPORATION AND RICK BENNETT,
AN INDIVIDUAL,
Respondents.

No. 56292

FILED

NOV 18 2011

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

ORDER OF REVERSAL

This is an appeal from a district court post-judgment order imposing sanctions. Eighth Judicial District Court, Clark County; Abbi Silver, Judge.

In 1999, appellant Law Offices of Mont E. Tanner, Ltd. (Tanner) began representing respondents Plusfour, Inc., a debt collection agency, and its president, Rick Bennett (collectively, Plusfour). In 2008, a dispute arose between the parties over the amount of attorney fees to which Tanner was entitled. Tanner sued Plusfour in district court and Plusfour countersued. Thereafter, Tanner made an NRCP 68 offer of judgment to Plusfour, which Plusfour accepted. The parties then filed a written stipulation with the district court dismissing the case with prejudice (consent dismissal). Shortly thereafter, Tanner sent letters demanding payment to the numerous third parties against whom he had represented Plusfour. In response, Plusfour filed a motion with the district court to enforce the consent dismissal and for sanctions. The district court issued an order determining that any rights Tanner had to the attorney fees and liens he was seeking had been extinguished by the

parties' NRCP 68 settlement and consent dismissal. It also sanctioned Tanner by ordering him to pay \$1,500 to cover the attorney fees that Plusfour incurred in bringing its motion. This appeal followed.

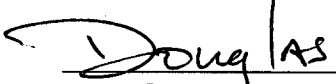
Tanner asserts that the district court erred in construing the parties' NRCP 68 settlement and consent dismissal as an extinguishment of his right to continue to pursue attorney fees and liens. He also asserts that the district court erred in sanctioning him because the court had not previously made it clear to him that his right to pursue attorney fees and liens was extinguished. We conclude that reversal is warranted, albeit for a different reason. Specifically, we conclude that once the district court entered the parties' consent dismissal, it was divested of jurisdiction to enter further orders concerning the parties' continuing dispute over attorney fees and liens.¹

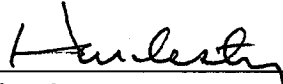
As we have explained, "once a final judgment is entered, the district court lacks jurisdiction to reopen it, absent a proper and timely motion under the Nevada Rules of Civil Procedure." SFPP, L.P. v. Dist. Ct., 123 Nev. 608, 612, 173 P.3d 715, 717 (2007). An order of dismissal that disposes of all claims at issue is a final judgment. See id. Thus, following an order of dismissal, the district court is divested of jurisdiction to hear matters regarding the dispute unless a new complaint is filed. See id.

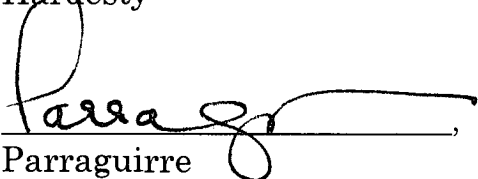
¹Although Tanner does not argue that the district court was without jurisdiction, we may raise the issue sua sponte. See Landreth v. Malik, 127 Nev. ___, ___, 251 P.3d 163, 166 (2011) (the issue of whether a court lacks subject matter jurisdiction can be raised sua sponte by a reviewing court).

Here, entry of the parties' consent dismissal terminated Tanner's claims against Plusfour and Plusfour's counterclaims against Tanner. This order of dismissal was final and ended the district court's jurisdiction over the parties' dispute. In order to enforce the parties' consent dismissal or construe the terms of the parties' NRCP 68 settlement, Plusfour was required to file a new complaint. The district court therefore lacked jurisdiction to enter further orders concerning the parties' ongoing dispute over attorney fees and liens. Accordingly, because the district court lacked jurisdiction, we

ORDER the judgment of the district court REVERSED.


_____, J.
Douglas


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Abbi Silver, District Judge
Janet Trost, Settlement Judge
Mont E. Tanner
Gerrard Cox & Larsen
Eighth District Court Clerk