

IN THE SUPREME COURT OF THE STATE OF NEVADA

VICKI WOLVERTON,
Appellant,

vs.

DANIEL E. CARVALHO AND ROGERS,
MASTRANGELO, CARVALHO &
MITCHELL, LTD.,
Respondents.

No. 60997

VICKI WOLVERTON,
Appellant,

vs.

DANIEL E. CARVALHO AND ROGERS,
MASTRANGELO, CARVALHO &
MITCHELL, LTD.,
Respondents.

No. 61530

FILED

JUL 24 2013

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

ORDER OF AFFIRMANCE

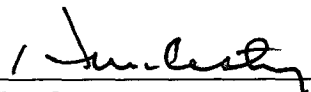
This is an appeal from a district court post-judgment order awarding attorney fees.¹ Eighth Judicial District Court, Clark County; Douglas W. Herndon, Judge.

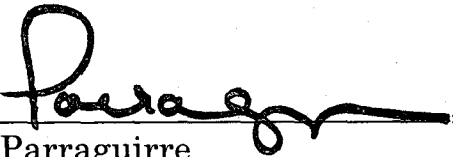
“[A]n award of attorney’s fees under NRS 18.010(2)(b) is discretionary with the district court.” *Semenza v. Caughlin Crafted Homes*, 111 Nev. 1089, 1095, 901 P.2d 684, 687 (1995). Here, the record demonstrates that the district court was within its discretion to award attorney fees. Namely, once the question of ripeness was no longer an

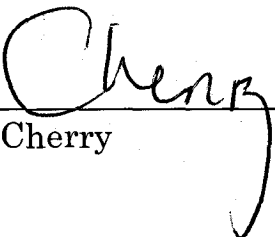
¹Appellant has also challenged a dismissal order in Docket No. 60997, but she acknowledges that affirmance of this order would be proper if this court rules in her favor in the appeal in Docket No. 58181. Thus, in light of our disposition in Docket No. 58181, we affirm the appealed-from order in Docket No. 60997. *See Wolverson v. Carvalho*, Docket No. 58181 (Order of Reversal and Remand, March 28, 2013).

issue in Docket No. 58181, appellant not only continued to pursue that appeal, but she also filed the underlying complaint—a complaint that appellant acknowledges is substantively “repetitive” to that filed in Docket No. 58181. Thus, the district court correctly perceived that appellant was contemporaneously pursuing two separate lawsuits that asserted the same causes of action, and the court was within its discretion when it found that appellant lacked reasonable grounds for doing so.² NRS 18.010(2)(b); *Semenza*, 111 Nev. at 1095, 901 P.2d at 687. We therefore

ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Cherry

²In opposing respondents’ motion for attorney fees, appellant stated that she would have withdrawn her appeal in Docket No. 58181 if the district court had permitted her to pursue her claims in the underlying case. Appellant did not suggest this course of action when opposing respondents’ motion to dismiss, and the district court was within its discretion to discount this belated proposal in determining that attorney fees were appropriate under NRS 18.010(2)(b).

cc: Hon. Douglas W. Herndon, District Judge
Christensen Law Offices, LLC
Lipson Neilson Cole Seltzer & Garin, P.C.
Eighth District Court Clerk