

IN THE SUPREME COURT OF THE STATE OF NEVADA

ADRIAN NICULESCU,  
Appellant,  
vs.  
SUN CAB, INC. D/B/A NELLIS CAB  
COMPANY,  
Respondent.

No. 61761

**FILED**

**MAY 15 2013**

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *Anderson*  
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

This is a proper person appeal from a post-judgment district court order awarding attorney fees in a tort action.<sup>1</sup> Eighth Judicial District Court, Clark County; Valerie Adair, Judge.

Appellant sued respondent, his former employer, for wrongful termination. The case proceeded to a bench trial and judgment was entered for respondent. Respondent moved for attorney fees under NRS 17.115 and NRCP 68 based on a rejected offer of judgment that respondent made early in the case before discovery concluded. The district court granted the motion. Appellant timely appealed from the order granting attorney fees.

We review an award of attorney fees for an abuse of discretion. *Shuette v. Beazer Homes Holdings Corp.*, 121 Nev. 837, 864, 124 P.3d 530, 548-49 (2005). When determining whether to award attorney fees under

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<sup>1</sup>To the extent that appellant is attempting to appeal from the March 28, 2012, judgment in this case, the appeal is untimely because notice of entry of that judgment was served on March 29, 2012, and appellant did not file a notice of appeal until September 20, 2012. See NRAP 4(a)(1); NRAP 26. We therefore lack jurisdiction to consider any challenge to that judgment.


NRS 17.115(4) and NRCP 68, the district court must analyze the factors established in *Beattie v. Thomas*, 99 Nev. 579, 588-89, 668 P.2d 268, 274 (1983). Similarly, when determining the reasonable value of an attorney's services in a motion for attorney fees, the district court must analyze the factors established in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349-50, 455 P.2d 31, 33 (1969). The district court must then provide sufficient reasoning and findings concerning those factors in its order. *Shuette*, 121 Nev. at 865, 124 P.3d at 549. But if the district court's order fails to provide such reasoning and findings, we will nevertheless defer to the district court's discretion in awarding attorney fees if the record indicates that the district court properly evaluated the *Beattie* and *Brunzell* factors. *Wynn v. Smith*, 117 Nev. 6, 13, 16 P.3d 424, 428-29 (2001).

In this case, appellant argues that attorney fees were improperly awarded because appellant's former counsel controlled the case, did not inform appellant about the case, took actions without appellant's knowledge or permission, and made mistakes during the case. Appellant's arguments, however, are not relevant to the attorney fees determination here. *See Beattie*, 99 Nev. at 588-89, 668 P.2d at 274; *Brunzell*, 85 Nev. at 349-50, 455 P.2d at 33; *see also Lange v. Hickman*, 92 Nev. 41, 43, 544 P.2d 1208, 1209 (1976) (holding that notice to an attorney is notice to the client, and if the attorney neglects the client's case, the client's recourse is an action against the attorney).


Here, although the district court failed to set forth any findings of fact or its reasoning in the order awarding attorney fees, respondent's motion for attorney fees contains a discussion of the *Beattie* and *Brunzell* factors and a detailed breakdown of incurred attorney fees,

and the district court's order indicates that a hearing was held on the contested attorney fees motion. Thus, although written findings supporting an attorney fees award are preferred for appellate review, *Wynn*, 117 Nev. at 13, 16 P.3d at 428-29, the record indicates that the district court evaluated the *Beattie* and *Brunzell* factors and awarded respondent approximately half of its requested fees as reasonable attorney fees. In this case, we will defer to the district court's discretion in awarding attorney fees. *Id.* Accordingly, having considered appellant's arguments and the record on appeal, we conclude that the district court did not abuse its discretion. We therefore

ORDER the judgment of the district court AFFIRMED.

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

  
\_\_\_\_\_, J.  
Douglas

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

cc: Hon. Valerie Adair, District Judge  
Adrian Niculescu  
Littler Mendelson/Las Vegas  
Eighth District Court Clerk