

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

A CAB, LLC, A NEVADA CORPORATION,
Appellant,
vs.
DEJA VU SHOWGIRLS OF LAS VEGAS, LLC, A NEVADA LIMITED LIABILITY COMPANY; AND LITTLE DARLINGS OF LAS VEGAS, LLC, A NEVADA LIMITED LIABILITY COMPANY,
Respondents.

No. 63562

FILED

MAR 03 2015

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

ORDER OF AFFIRMANCE

This is an appeal from a post-judgment order denying a motion for attorney fees in a torts action. Eighth Judicial District Court, Clark County; Elizabeth Goff Gonzalez, Judge.

Respondents, two adult nightclubs in Las Vegas, sued appellant, a cab company, in district court alleging that appellant was complicit in allowing its drivers to disparage respondents and divert passengers to their competitors in violation of NRS 706.8846(2) (providing that a driver shall not “[c]onvey or attempt to convey any passenger to a destination other than the one directed by the passenger”).¹ Following the close of discovery, the district court granted summary judgment in appellant’s favor, concluding that respondents had failed to produce any admissible evidence to support their claims. Appellant then moved for

¹Although respondents also filed suit against a number of other parties, appellant is the sole defendant from the underlying case involved in this appeal.

attorney fees under NRS 7.085 (authorizing a grant of fees if an attorney pursues an action or defense that is not supported by the laws or facts or if an attorney “[u]nreasonably and vexatiously” extends litigation) and NRS 18.010(2)(b) (providing for a grant of fees to the prevailing party if the opposing party pursued the action “without reasonable ground or to harass the prevailing party”). The district court subsequently denied the motion, and this appeal followed.


Despite appellant’s assertions to the contrary, the decision as to whether attorney fees should be awarded under NRS 7.085 or NRS 18.010(2)(b) rests in the district court’s sound discretion, and we review the refusal to award attorney fees under these statutes to determine whether that discretion was abused. *Stubbs v. Strickland*, 129 Nev. ___, ___, 297 P.3d 326, 330 (2013). Thus, to the extent that appellant contends that the failure to apply NRS 7.085 and NRS 18.010(2)(b) to award fees in this case should be reviewed de novo, that argument is without merit. *See Stubbs*, 129 Nev. at ___, 297 P.3d at 330.


In denying appellant’s request for attorney fees under NRS 7.085 and NRS 18.010(2)(b), the district concluded, among other things, that respondents’ complaint was not brought without reasonable grounds or to harass appellant and that respondents did not unreasonably or vexatiously extend the matter. Although appellant disagrees with the district court’s conclusions in this regard, having reviewed the documents before us and considered the parties’ arguments, we cannot conclude that the district court abused its discretion in denying appellant’s request for

attorney fees on these grounds.² *See Stubbs*, 129 Nev. at ___, 297 P.3d at 330. Accordingly, we affirm the district court's denial of attorney fees.

It is so ORDERED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Elizabeth Goff Gonzalez, District Judge
Carolyn Worrell, Settlement Judge
Rodriguez Law Offices, P.C.
Benson, Bertoldo, Baker & Carter, Chtd.
Neil J. Beller, Ltd.
Eighth District Court Clerk

²To the extent that appellant argues that the district court improperly failed to provide sufficient explanation for denying its request for attorney fees, we note that district courts are not required to make findings explaining the grounds for denying attorney fees. *Stubbs*, 129 Nev. at ___ n.1, 297 P.3d at 330 n.1.