

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELEANOR GILBERT; RODNEY
CALLAHAN; LEEANN GERVAIS;
MIRIAM BECKMAN; DAWN SPERLIN;
GEORGIA DAVIDSON; AND RESHID
YUNELI,
Appellants,
vs.
ROBERT D. STITSER; PATRICIA D.
STITSER; AND TRUCKEE PARK,
Respondents.

No. 63935

FILED

MAR 12 2015

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

ORDER OF AFFIRMANCE

This is an appeal from a district court final judgment and post-judgment order awarding costs in consolidated real property actions. Second Judicial District Court, Washoe County; Steven R. Kosach and Lidia Stiglich, Judges.

Appellants raise three primary arguments regarding the validity of the district court's judgments. First, they contend that the district court improperly set off judgments entered against certain appellants in prior justice court proceedings because the justice court lacked jurisdiction to render those judgments. We disagree, as the damages claimed in each individual justice court case did not exceed \$10,000, and the judgments rendered in each individual case did not exceed \$10,000.¹ See NRS 4.370(1)(g). Moreover, although the justice

¹Appellants also suggest that the district court erred in applying the offsets because NRS 118B.177 does not expressly permit an offset. We agree that the district court properly applied the offsets as a matter of equity. See 50 C.J.S. Judgments § 894 (2014) ("Courts possess inherent
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court attempted to resolve the parties' fair-market-value disputes and arguably implicated the \$10,000 jurisdictional threshold, appellants acknowledge that they instituted the underlying district court actions in lieu of the justice court rendering money judgments with respect to the fair-market-value disputes.

Second, appellants contend that the district court abused its discretion in accepting the appraiser's fair-market-value determinations because the appraiser used an improper methodology.² See *M.C. Multi-Family Dev., L.L.C. v. Crestdale Assocs., Ltd.*, 124 Nev. 901, 913, 193 P.3d 536, 544 (2008) (reviewing a district court's decisions regarding evidentiary issues for an abuse of discretion). We agree with the district court's conclusions that the appraiser's chosen methodology complied with the directions in the district court's December 9, 2008, order, did not violate any provisions of then-applicable NRS Chapter 118B, and was consistent with a methodology that the Legislature subsequently mandated. See NRS 118B.1837. Thus, we cannot conclude that the district court abused its discretion in accepting the appraiser's fair-market-value determinations to the exclusion of other evidence.

Third, appellants contend that because "[t]he process mandated by NRS 118B.177 is not conducted pursuant to the Nevada

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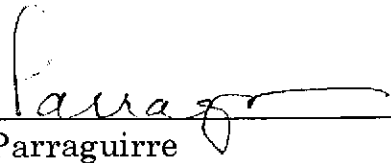
authority to set one judgment off against another. The power is equitable in nature" (citation omitted)).

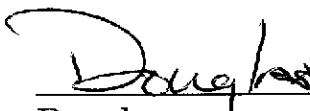
²Appellants also contend that the district court should have disregarded the appraiser's determinations because respondents' counsel colluded with the appraiser. Having reviewed the record, we agree with the district court that there is insufficient evidence to support this contention.

Rules of Civil Procedure,” the district court’s post-judgment award of costs under NRCP 68 was inappropriate. While we agree that NRS 118B.177 does not necessarily envision court involvement, once appellants filed their underlying actions in district court, those actions were governed by the Nevada Rules of Civil Procedure. See NRCP 1 (“These rules govern the procedure in the district courts in all suits of a civil nature whether cognizable as cases at law or in equity . . .”). Thus, the district court appropriately relied on NRCP 68 as a basis for awarding costs.

We have considered appellants’ remaining arguments and conclude that they were either not timely raised in district court, see *Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981), lack merit, or both. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Cherry

cc: Hon. Lidia Stiglich, District Judge
Madelyn Shipman, Settlement Judge
Glade L. Hall
Rebecca A. Rivenbark
Washoe District Court Clerk