

IN THE SUPREME COURT OF THE STATE OF NEVADA

RICHARD AFRAND, AN INDIVIDUAL,
Appellant,
vs.
CHRISTIAN GABROY; AND GABROY
LAW OFFICES,
Respondents.

No. 64506

FILED

MAY 20 2015

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

ORDER OF REMAND

This is a pro se appeal from a district court order dismissing a tort action, in which appellant challenges an interlocutory order adjudicating an attorney lien. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

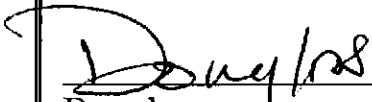
Respondents Christian Gabroy and Gabroy Law Offices (collectively Gabroy) represented appellant Richard Afrand in the underlying matter. Gabroy moved to withdraw, gave notice of his charging lien in the amount of \$3,462.55, and moved to adjudicate his lien. The district court granted the motion to withdraw and adjudicated the charging lien in Gabroy's favor. The underlying case eventually settled, with each party agreeing to dismiss their respective causes of action against the other parties. Afrand timely appealed, challenging the charging lien judgment in favor of Gabroy.

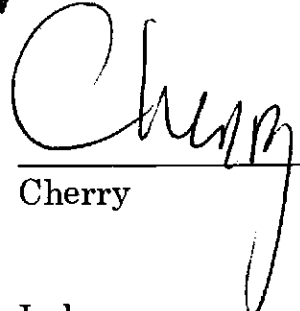
A charging lien under NRS 18.015(1)(a) attaches to "any money or property which is recovered" in a lawsuit after the lien is perfected. NRS 18.015(4)(a); *Leventhal v. Black & LoBello*, 129 Nev. Adv. Op. No. 50, 305 P.3d 907, 911 (2013). The parties in this case agreed to settle and dismiss their claims. No monetary or other recovery appears in

the record. Thus, there was nothing in the underlying action to which the lien could attach and the district court prematurely adjudicated the attorney lien. NRS 18.015(4)(a); *Leventhal*, 129 Nev. Adv. Op. No. 50, 305 P.3d at 910 (holding that questions of statutory construction are reviewed de novo). Accordingly, we remand this matter for the district court to vacate its attorney lien judgment.

It is so ORDERED.¹


Parraguirre, J.


Douglas, J.


Cherry, J.

cc: Hon. Kathleen E. Delaney, District Judge
Hon. Susan Scann, District Judge
Richard Afrand
Gabroy Law Offices
Eighth District Court Clerk

¹We do not disturb that portion of the district court's order permitting Gabroy's withdrawal.

Gabroy's argument that Afrand's July 21, 2011, release precludes the instant appeal lacks merit. The release pertained to the fee disputes that the arbitration panel adjudicated, and the arbitration panel expressly declined to address the fee dispute in the underlying case.

Afrand requests from this court various other relief related to his fee dispute with Gabroy, but such relief is beyond the scope of this appeal and we decline to consider those arguments.

This order constitutes our final resolution of this appeal.