

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IN THE MATTER OF THE
GUARDIANSHIP OF THE PERSON
AND ESTATE OF GERALDINE FORD,
AN ADULT WARD.

No. 69452

FILED

MAR 31 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Elizabeth A. Brown*
DEPUTY CLERK

WINONA LEWIS,
Appellant,
vs.
ELVIN WALKER; AND WILLIE JEAN
WALKER,
Respondents.

ORDER OF AFFIRMANCE

This is an appeal from a district court order awarding attorney fees and costs in a guardianship action. Eighth Judicial District Court, Family Court Division, Clark County; Cynthia Dianne Steel, Judge.

Appellant filed a petition seeking to terminate the guardianship respondents had over the adult ward, who is appellant's aunt. Appellant also sought to have herself appointed as her aunt's guardian in respondents' place. After both parties conducted discovery, they proceeded to a hearing on the motions. At that hearing, appellant explained that she had also filed a wrongful death suit against respondents and asked to dismiss her petition for guardianship, without prejudice, until that case was completed.

Following the hearing, respondents filed a motion for attorney fees and costs arguing that appellant only filed her petition to harass them and that her action was maintained without reasonable grounds because she lacked the physical and financial capacity to act as the ward's guardian. See NRS 18.010(2)(b) (giving district courts the discretion to award attorney fees to prevailing parties when an action was brought or maintained without reasonable grounds or to harass). After noting the withdrawal of appellant's guardianship petition, the district court granted the motion¹ over appellant's opposition and this appeal followed.²

Having reviewed the parties' arguments and the record on appeal, we conclude that the district court did not abuse its discretion in awarding respondents their attorney fees. See *Stubbs v. Strickland*, 129 Nev. 146, 152, 297 P.3d 326, 330 (2013) (reviewing an award of attorney fees under NRS 18.010(2)(b) for an abuse of discretion). Here, the district court concluded that appellant brought and maintained her action without reasonable grounds, and that conclusion is supported by the record. See *Ogawa v. Ogawa*, 125 Nev. 660, 668, 221 P.3d 699, 704 (2009) (explaining that a district court's factual findings will not be set aside unless they are

¹The district court did not award the full amount of fees, however, as it denied the request for fees that predated appellant's filings in the case.

²Appellant does not challenge the award of costs and, therefore, we necessarily affirm that award.

clearly erroneous or not supported by substantial evidence). Accordingly, we

ORDER the judgment of the district court AFFIRMED.³

Silver, C.J.
Silver

Tao, J.
Tao

Gibbons, J.
Gibbons

cc: Hon. Cynthia Dianne Steel, District Judge, Family Court Division
Carolyn Worrell, Settlement Judge
Winona Lewis
Cuthbert Mack Chtd.
Eighth District Court Clerk

³Because we affirm the award under NRS 18.010(2)(b), we need not consider appellant's argument that the award was improper under NRCP 11. We also do not address the amount of the award, as appellant did not raise any arguments in that regard on appeal. Finally, we have considered appellant's remaining arguments and conclude that they do not provide a basis upon which to overturn the district court's order.