


IN THE SUPREME COURT OF THE STATE OF NEVADA

MARIA AVILA, INDIVIDUALLY,
Appellant,
vs.
ELISEO BICERRA SANCHEZ, AN
INDIVIDUAL,
Respondent.

No. 79253

FILED

JUN 24 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a final judgment entered following a jury verdict in a negligence action. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.¹

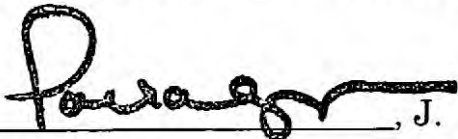
We conclude that the short trial judge was within its discretion in finding that appellant was not a “prevailing party” at the trial de novo and therefore was not entitled to attorney fees and costs.² See *Capanna v. Orth*, 134 Nev. 888, 895, 432 P.3d 726, 734 (2018) (reviewing for an abuse of discretion a district court’s decision regarding attorney fees and costs).

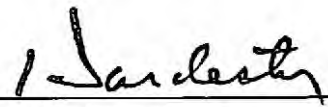
¹Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted in this appeal.


²Because appellant’s opening brief refers to the abuse-of-discretion standard of review, we apply that standard. Additionally, although appellant argues that she beat respondent’s offer of judgment, the short trial judge did not award respondent attorney fees and costs based on the offer of judgment, and appellant has not otherwise coherently explained how the offer of judgment is relevant. We therefore need not consider whether appellant beat the offer. See *Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (2010) (“This court’s duty is not to render advisory opinions . . .”).

In particular, it was reasonable for the judge to conclude that appellant's proffered definition of "prevailing party" was inconsistent with the purpose of the Nevada Short Trial Program, such that appellant's proffered definition was untenable.³ See *Tam v. Eighth Judicial Dist. Court*, 131 Nev. 792, 800, 358 P.3d 234, 240 (2015) (recognizing that statutes (or here, rules) should be interpreted in a manner that is consistent with "reason and public policy" (internal quotation marks omitted)). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Parraguirre


_____, J.
Hardesty


_____, J.
Cadish

cc: Hon. Kenneth C. Cory, District Judge
Kristine M. Kuzemka, Settlement Judge
Bowen Law Offices
Robert L. Cardwell & Associates
Mountain Vista Law Group LLC
Eighth District Court Clerk

³Our decision in *Scott v. Zhou*, 120 Nev. 571, 98 P.3d 313 (2004), is distinguishable because in that case, it was the defendant that requested a trial de novo. See *id.* at 572, 98 P.3d at 313.