

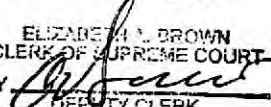
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BENNIE HAMILTON,
Appellant,
vs.
VIKING INSURANCE COMPANY OF
WISCONSIN, LLC,
Respondent.

No. 75925-COA

FILED

SEP 23 2020

ELIZABETH L. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Bennie Hamilton appeals from a post-judgment order awarding attorney fees and costs. Eighth Judicial District Court, Clark County; Rob Bare, Judge.

In the proceedings below, after the district court granted respondent's motion to dismiss, respondent filed a motion for attorney fees and costs pursuant to NRS 18.010, NRS 18.020, and NRCP 68. Hamilton did not file an opposition to the motion. The district court granted the motion as unopposed, pursuant to EDCR 2.20(e), and concluded that fees and costs were warranted pursuant NRS 18.010, NRS 18.020, and NRCP 68. The court went on to find that the amount of fees was reasonable pursuant to *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969). This appeal followed.

On appeal, Hamilton challenges the award of attorney fees, arguing only that respondent should not have been awarded fees because

Hamilton was granted a fee waiver. The district court generally may not award attorney fees absent authority under a statute, rule, or contract. *Liu v. Christopher Homes, LLC*, 130 Nev. 147, 151, 321 P.3d 875, 878 (2014). And this court reviews an award of attorney fees for an abuse of discretion. *Gunderson v. D.R. Horton*, 130 Nev. 67, 80, 319 P.3d 606, 615 (2014). An abuse of discretion occurs when the district court's decision is not supported by substantial evidence. *Otak Nev., LLC v. Eighth Judicial Dist. Court*, 129 Nev. 799, 805, 312 P.3d 491, 496 (2013).

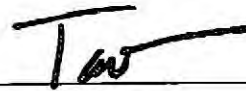
Here, Hamilton asserts that an award of fees was improper because he was granted a fee waiver, but he has provided no argument to support this assertion, and our research has revealed no authority to support the same. Additionally, Hamilton failed to oppose the motion for fees and costs below. Therefore, any argument raised on appeal is waived. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) ("A point not urged in the trial court . . . is deemed to have been waived and will not be considered on appeal."). Regardless, we note that our review of the record demonstrates that substantial evidence supports the district court's conclusion that fees were warranted pursuant to NRS 18.010 and NRCP 68. *See Liu*, 130 Nev. at 151, 321 P.3d at 878; *Otak*, 129 Nev. at 805, 312 P.3d at 496. Thus, we cannot conclude that the district court abused

its discretion in awarding respondent its attorney fees.¹ *See Gunderson*,
130 Nev. at 80, 319 P.3d at 615.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Rob Bare, District Judge
Bennie Hamilton
Selman Breitman, LLP/Las Vegas
Eighth District Court Clerk

¹On appeal, Hamilton does not challenge the district court's award of costs; thus, we necessarily affirm that determination.