


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JUDITH SCRASE,
Appellant,
vs.
RICHARD SCRASE; EDNA SCRASE;
JOSE FIMBRES; AND OLGA FIMBRES,
Respondents.

No. 87646-COA

FILED

JUL 30 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Judith Scrase appeals from a district court award of attorney fees and costs and order denying a motion to stay in a probate matter. Eighth Judicial District Court, Clark County; Gloria Sturman, Judge.

In July 2022, Judith Scrase filed an ex parte petition for an order directing transfer of property in the probate action of her mother's estate. Specifically, Judith requested that the district court issue an order directing her brother, Richard Scrase; Richard's wife, Edna Scrase; and the parties that purchased her deceased mother's residence, Jose and Olga Fimbres (collectively the respondents) each pay her six-figures worth of assets from her mother's estate. Judith also had subpoenas issued seeking personal bank records of Richard and Edna. The respondents filed an opposition and motion requesting that the court quash all the subpoenas issued in the matter and reinstate a previously issued vexatious litigant restrictive order against Judith. In the opposition, the respondents noted that Judith had an extensive history of using lawsuits to harass the respondents and to collect money and property from her deceased mother's estate. The respondents further noted that Judith is a convicted felon and served time in prison for exploiting her mother after she recorded a

fraudulent deed attempting to convey her mother's home to herself. The respondents further asserted that Judith was improperly asserting that she was entitled to assets from her mother's estate without any legal justification. In addition, the motion noted Judith had also improperly submitted an application to vacate and remove herself from a vexatious litigant list without effectuating service on the respondents. Thus, the respondents requested that the subpoenas be quashed; that the district court reinstate the vexatious litigant order against Judith; and for the court to deny Judith's motion entirely as there was no property remaining to be transferred to Judith.

Thereafter, the district court granted the respondents' motion, denied Judith's ex parte petition in its entirety, and ordered the respondents to submit a petition for attorney fees and costs pursuant to NRS 18.010(2)(b). In granting the respondents' motion, the district court determined that Judith's claims regarding transfer of property were maintained without reasonable ground, and that all the subpoenas issued were deemed frivolous and only meant to harass the respondents. Thus, the court found that an award of attorney fees and costs, pursuant to NRS 18.010(2)(b), was appropriate to punish Judith and deter future frivolous or vexatious claims.

Subsequently, the respondents filed an application for an award of attorney fees and costs seeking an award of fees in the amount of \$2,500 and \$504 in costs. The application noted that an award of fees was justified and warranted pursuant to *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969). In opposition, Judith asserted factual allegations concerning the financial affairs of her mother and summarily requested that she not be found "liable for attorney fees and costs." The

district court entered an order awarding the respondents their requested attorney fees and costs. The court noted that it “reviewed counsel’s petition for fees in light of *Brunzell* and has found the fees to be reasonable.” Thus, the court awarded respondents \$2,500 in attorney fees and \$504 in costs against Judith.

Judith then filed a motion to vacate the district court’s order granting attorney fees and costs and to stay the collection of fees and costs. The respondents filed an opposition to Judith’s motion, noting that Judith’s motion contained no substance or proof in support of her request. Upon review, the district court denied Judith’s motion as it failed to present new legal points or contentions, nor did it establish that the court’s prior decision was clearly erroneous. The court further found that Judith provided no evidence satisfying the required elements under NRCP 60(b) for setting aside a judgment or order. Judith now appeals.

On appeal, Judith argues that the district court’s order granting attorney fees and costs should be vacated because she did not bring her ex parte petition to harass the respondents. “The decision to award attorney fees is within the sound discretion of the district court and will not be overturned absent a manifest abuse of discretion.” *Kahn v. Morse & Mowbray*, 121 Nev. 464, 479, 117 P.3d 227, 238 (2005) (internal quotation marks omitted). NRS 18.010(2)(b) allows the district court to award attorney fees to a prevailing party “when the court finds that the claim, counterclaim. . . or defense of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party.” “The court shall liberally construe the provisions of [NRS 18.010(2)(b)] in favor of awarding attorney’s fees in all appropriate situations,” and “[i]t is the intent of the Legislature that the court award attorney’s fees pursuant to [NRS

18.010(2)(b)] . . . in all appropriate situations to punish for and deter frivolous or vexatious claims and defenses.” *Id.* “For purposes of NRS 18.010(2)(b), a claim is frivolous or groundless if there is no credible evidence to support it.” *Rodriguez v. Primadonna Co.*, 125 Nev. 578, 588, 216 P.3d 793, 800 (2009).

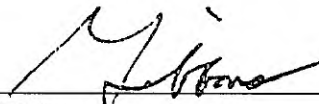
In granting the motion to quash all subpoenas, the district court found that Judith’s claims regarding transfer of property were maintained without reasonable ground, and that all the subpoenas issued were deemed frivolous and only meant to harass the respondents. Thus, the court found that an award of attorney fees and costs, pursuant to NRS 18.010(2)(b), was warranted to punish Judith and deter future frivolous or vexatious claims. Given the evidence in the record, which includes the register of actions from Judith’s criminal case where she served time for exploiting her mother and recording a fraudulent deed; the last will and testament of Judith and Richard’s mother wherein Richard was appointed as the sole executor of the estate; the quitclaim deed where Judith and Richard’s mother deeded real property to Richard, and subsequent bargain and sale deed from Richard to Jose and Olga Fimbres; and the order imposing vexatious litigant status on Judith, we find no abuse of discretion in the district court’s decision to award the respondents attorney fees and costs. Moreover, on appeal, Judith fails to point to evidence in the record to dispute the district court’s findings. *See Edwards v. Emperor’s Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that the appellate courts need not consider claims unsupported by cogent argument).

Furthermore, Judith does not challenge the reasonableness or amount of the requested attorney fees or raise any arguments on appeal relating to *Brunzell*, 85 Nev. at 349, 455 P.2d at 33 (listing factors for


district courts to consider when awarding attorney fees), the award of costs, nor the court's denial of her motion for a stay. Thus, those arguments have been waived, and we need not consider them on appeal. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011).

For the foregoing reasons, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Gloria Sturman, District Judge
Judith Scrase
Law Offices of Kevin R. Hansen
Eighth District Court Clerk

¹Insofar as Judith raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.