


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ENRIQUE RODRIGUEZ,  
Appellant,  
vs.  
MARIA BERNICE RODRIGUEZ,  
Respondent.

No. 86875-COA

**FILED**

SEP 16 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

**ORDER OF AFFIRMANCE**

Enrique Rodriguez appeals from a district court award of attorney fees and order granting a motion for clarification and denying a countermotion for reconsideration in a domestic action. Eighth Judicial District Court, Family Division, Clark County; Stacy Michelle Rocheleau, Judge.

Enrique and respondent Maria Bernice Rodriguez were married, and in 2013, Enrique initiated divorce proceedings. Shortly after, Maria obtained a protective order against Enrique and ousted him from the marital residence. The district court entered a decree of divorce retaining jurisdiction over the marital residence so the residence could either be refinanced or sold, if it could not be refinanced. In August 2020, after the residence had still had not been sold purportedly due to Maria, Enrique moved the district court for an order to show cause. Maria opposed the motion, arguing that Enrique relinquished his interest in the residence. In January 2023, the district court held an evidentiary hearing on the matter.

In February 2023, the district court entered its order and decision, granting Enrique's motion for an order to show cause and ordered the sale of the marital residence. Subsequently, Enrique filed a motion

seeking attorney fees and costs as the prevailing party, pursuant to NRS 18.010(2)(b), and because Maria had advanced an unwarranted defense in the case without reasonable grounds. Enrique sought the sum of \$43,031.25 in attorney fees and \$2,057.18 in costs. Attached to his motion was a memorandum of costs and disbursements, case time sheets indicating time spent for various tasks, an invoice, and a receipt. Maria filed an opposition to Enrique's motion for attorney fees and costs.

The district court subsequently entered an order granting Enrique's motion for attorney fees. The court found, however, that while Enrique requested an award of \$43,031.25 in attorney fees, "after eliminating and/or reducing the time entries for excessive time charged," the amount of \$24,281 in attorney fees was necessary to the action. But the court's written order also included language that the court was awarding attorney fees against Maria in the amount of \$43,031.25. Thereafter, Maria filed a motion for clarification, pursuant to NRCP 52(b), arguing that the order indicated that the award of attorney fees was reduced to \$24,281 but then simultaneously awarded the full amount Enrique had requested. Enrique filed an opposition and a countermotion for reconsideration arguing that if the court was inclined to grant Maria's motion for clarification and had intended to reduce the fees awarded to \$24,281, the district court failed to specifically state why the requested fees were reduced.

Upon review, the district court entered an order granting Maria's motion for clarification and denying Enrique's motion for reconsideration. The court found that that it made a clerical error and had intended to award Enrique only \$24,281 in attorney fees. The court denied Enrique's countermotion for reconsideration. The district court then

entered an amended order that specified that the award of attorney fees was \$24,281. This appeal followed.

On appeal, Enrique argues that the district court abused its discretion in reducing the amount of attorney fees requested without providing sufficient reasoning and findings concerning the reduction. He contends the district court failed to provide an explanation as to why the fee request was reduced and what specific entries in Enrique's memorandum, declaration, and case time sheets the district court considered excessive.

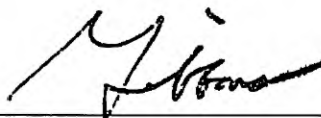
We review the decision to grant or deny attorney fees for an abuse of discretion. *Baldonado v. Wynn Las Vegas, LLC*, 124 Nev. 951, 967, 194 P.3d 96, 106 (2008). Before awarding attorney fees, a district court must consider the four factors articulated in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969) (directing district courts, in determining a reasonable fee, to consider the quality of the advocate, the character of the work needed to be done, the work performed, and the result). Express findings on the *Brunzell* factors are preferred, but are not required where the record demonstrates the court considered those factors and the award is supported by substantial evidence. *Logan v. Abe*, 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015).

Here, the district court's order found that an award of attorney fees was warranted because Enrique was the prevailing party, pursuant to NRS 18.010(2)(b), and that Maria had maintained an unreasonable position. Moreover, the record demonstrates that the court considered the factors set forth in *Brunzell* and provided a sufficient finding regarding its reasoning behind the reduction in the fees awarded, noting that it had reviewed the memorandum of costs and disbursements and the case time

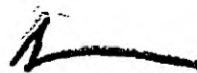
sheets and eliminated or reduced the time entries for “excessive time charged” to determine the amount of fees that were necessary for the matter. *Logan*, 131 Nev. at 266, 350 P.3d at 1143; *cf. Stubbs v. Strickland*, 129 Nev. 146, 152 n.1, 297 P.3d 326, 330 n.1 (2013) (noting that the court is not required to “articulate [specific] findings as to why attorney fees are not warranted”). Therefore, the district court did not abuse its discretion in reducing the fee award where the court adequately considered the relevant factors and made sufficient findings to support its decision. *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 clearly erroneous or not supported by substantial evidence).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>



\_\_\_\_\_, C.J.  
Gibbons



\_\_\_\_\_, J.  
Bulla



\_\_\_\_\_, J.  
Westbrook

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<sup>1</sup>Insofar as Enrique 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 or need not be reached given the disposition of this appeal.

cc: Hon. Stacy Michelle Rocheleau, District Judge, Family Division  
Lansford W. Levitt, Settlement Judge  
Law Office of Joseph P. Reiff  
Maria Bernice Rodriguez  
Eighth District Court Clerk