

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PAULINE DORSEY, AN INDIVIDUAL,
Appellant,
vs.
REPUBLIC SILVER STATE DISPOSAL,
INC., D/B/A REPUBLIC SERVICES, A
NEVADA CORPORATION,
Respondent.

No. 86581-COA

FILED

JAN 27 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Pauline Dorsey appeals from a district court order awarding attorney fees and costs. Eighth Judicial District Court, Clark County; Joanna Kishner, Judge.

Respondent Republic Silver State Disposal Inc., d/b/a Republic Services (Republic Services) provides solid waste disposal services in Clark County. Republic Services provided waste management services to a property owned by Dorsey (subject property). Dorsey failed to pay for the services and on May 26, 2017, signed a promissory note acknowledging she owed Republic Services an outstanding balance and agreed to make monthly payments. Dorsey made approximately five payments before ceasing further payments. Republic Services then filed suit in justice court, which alleged an amount in controversy of less than \$15,000. The parties litigated the matter in justice court for over a year before Republic Services filed an amended complaint. The amended complaint added an additional claim to foreclose all liens on the subject property and named CitiFinancial and the City of Las Vegas as potential lien holders and thus as additional defendants. As a result of the amendment, the justice court found it no

25-03888

longer had jurisdiction over the amended complaint and transferred it to district court. Republic Services alleged that, during the justice court proceedings, it incurred \$16,137.50 in fees and costs.

The parties continued to litigate this matter in the district court. Republic Services alleged that, once the matter was removed to district court, Dorsey presented several new factual allegations regarding ownership of the property, which required additional investigation and caused Republic Services to incur additional attorney fees and costs. Following a two-day bench trial, the district court entered an order awarding Republic Services \$17,897.31 based on its underlying claims.

Republic Services then filed a motion for attorney fees and costs, seeking \$62,975 in attorney fees and \$3,125.50 in costs, which included fees for the initial work done when the parties negotiated the promissory note. Republic Services' motion argued it was entitled to attorney fees and costs pursuant to NRS 444.520, NRS 108.237, NRS 18.010, NRS 18.020, Clark County Code of Ordinances (CCCO) 9.04.240, and Las Vegas Code of Ordinances (LVCO) 9.08.210. The motion contained a review of the *Brunzell*¹ factors, an affidavit of counsel to support the request, and redacted billing entries. Dorsey opposed the motion, arguing the fees incurred were not reasonable nor necessary. Specifically, Dorsey argued the justice court fees were unnecessary because Republic Services knew it may have to pursue a lien on the property and thus should not have filed the initial complaint in justice court. Further, Dorsey argued the overall amount of fees was unreasonable in light of the actual award and that she made a reasonable offer of judgment. However, Dorsey did not

¹*Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 455 P.2d 31 (1969).

challenge whether fees and costs were available under any of the bases cited by Republic Services, nor did she address the *Brunzell* factors. In reply, Republic Services argued that when the complaint was filed the amount in controversy was less than \$15,000 and thus justice court was the appropriate forum. Further, Republic Services argued it is required to collect solid waste, regardless of whether the property owner pays its invoices, and because of Dorsey's increasing debt, it was forced to file an amended complaint seeking the right to foreclose the property to satisfy any judgment.

Following a hearing, the district court granted the motion and, having considered the *Brunzell* factors, found Republic Services was entitled to recover attorney fees in the amount of \$59,345.² The district court further awarded Republic Services costs in the amount of \$2,647.40. Dorsey now appeals.

This court reviews a district court's award of attorney fees for an abuse of discretion. *Bobby Berosini, Ltd. v. People for the Ethical Treatment of Animals*, 114 Nev. 1348, 1353-54, 971 P.2d 383, 386 (1998). In determining the amount of fees to award, the district court has discretion to use any method "rationally designed to calculate a reasonable amount," so long as the requested amount is reviewed in light of the *Brunzell* factors, *Logan v. Abe*, 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015). The supreme court in *Brunzell* identified the basic factors to be considered in determining the reasonable value of an attorney's services. *Brunzell*, 85 Nev. at 349, 455 P.2d at 33. These factors are (1) the qualities of the advocate; (2) the

²The district court reduced the amount of requested fees by \$3,630 and the amount of costs by \$478.10 because it found they were related to work originally done in 2016 concerning the promissory note.

character of the work to be done; (3) the work actually performed by the lawyer; and (4) the result. *Id.* Although it is preferable for a district court to expressly analyze each factor, express findings are not necessary for a court to properly exercise its discretion. *Logan*, 131 Nev. at 266, 350 P.3d at 1143.

On appeal, Dorsey first challenges the fees award by arguing the district court failed to consider that she made an offer of judgment for \$15,000, which Republic Services rejected. She contends that, under these circumstances, an award of attorney fees was unconscionable. “Factors which go to [the] reasonableness [of rejecting the offer of judgment] include whether the offeree eventually recovered more than the rejected offer and whether the offeree’s rejection unreasonably delayed the litigation with no hope for greater recovery.” *Cormier v. Manke*, 108 Nev. 316, 3118, 830 P.2d 1327, 1328 (1992). Here, Dorsey acknowledges that, while her offer of judgment was for \$15,000, Republic Services ultimately obtained a judgment that exceeded that amount—\$17,897.31. Thus, this argument does not demonstrate that Republic Services’ rejection of the offer was unreasonable. *See id.*

Furthermore, while Dorsey argues that the offer of judgment was made “months before Republic Services generated much of the fees it is now requesting,” this statement, on its own, fails to demonstrate how the offer of judgment rendered Republic Services’ rejection and subsequent litigation of the case unreasonable. *See id.* And Dorsey fails to offer any argument or explanation as to how she believes the timing of her offer somehow renders the decision to continue the litigation unreasonable. *See Edwards v. Emperor’s Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that this court need not consider claims that

are unsupported by cogent arguments). As a result, Dorsey's offer of judgment based arguments do not provide a basis for relief.³

Turning to Dorsey's arguments regarding the reasonableness of the attorney fees award, although Dorsey asserts that the amount of attorney fees awarded was unreasonable or unnecessary, in so doing, she makes no attempt to address the *Brunzell* factors. And while the district court did not make specific findings with respect to each *Brunzell* factor, the challenged order demonstrates the district court considered Republic Services' briefing on the matter, which included an analysis of the *Brunzell* factors. See *Logan*, 131 Nev. at 266-67, 350 P.3d at 1143 (providing that, if the trial court does not expressly analyze each *Brunzell* factor, its decision may still be affirmed if the district court demonstrated that it analyzed the *Brunzell* factors and there was sufficient evidence to support awarding the attorney fees).

Further, we are not persuaded by Dorsey's argument that, because Republic Services knew it may be required to foreclose on the property to satisfy any judgment, the justice court fees and costs were unnecessary given that the initial amount that Republic Services sought to recover was less than \$15,000. See NRS 4.370(1)(a) (providing the justice courts with jurisdiction over actions for the recovery of money on contracts

³Our rejection of Dorsey's arguments relating to the district court's purported failure to consider her offer of judgment is further supported by Dorsey's failure to provide a copy of the hearing transcript, which could have demonstrated whether the district court considered her offer of judgment at the hearing and—if so—how it addressed that issue. See *Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007) ("When an appellant fails to include necessary documentation in the record, we necessarily presume that the missing portion supports the district court's decision).

where the sum claimed, exclusive of interest, does not exceed \$15,000). Moreover, Dorsey did not provide any argument demonstrating that Republic Services' decision to depose her or engage in written discovery was unnecessary in light of Republic Services' argument that she interjected new factual theories once this matter was transferred. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38.


Given the foregoing analysis, and because substantial evidence supports the district court's determination that awarding \$59,345 in attorney fees was reasonable and necessary, we conclude the district court did not abuse its discretion in approving the award of fees under *Brunzell*. *See Logan*, 131 Nev. at 267, 350 P.3d at 1143; *see also Bobby Berosini, Ltd.*, 114 Nev. at 1353-54, 971 P.2d at 386. Accordingly, we affirm the award of attorney fees to Republic Services.

Turning to Dorsey's challenge to the award of costs, we also review an award of costs for an abuse of discretion. *Bobby Berosini, Ltd.*, 114 Nev. at 1352, 971 P.2d at 385. Any award of costs to the prevailing party "must be actual and reasonable rather than a reasonable estimation or calculation of such costs." *Id.* at 1352, 971 P.2d at 385-86 (internal quotation marks omitted); *see also* NRS 18.005. For the court to effectively make this determination, the party applying for costs must provide a memorandum of costs and supporting evidence that the costs were reasonable, necessary, and actually incurred. NRS 18.110(1); *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. 114, 121, 345 P.3d 1049, 1054 (2015).


Here, Dorsey relies upon the same arguments used to challenge the award of fees, i.e., that the various actions were unnecessary, to support her challenge to the costs award. But Dorsey does not identify any specific costs that she alleges were unreasonable or unnecessary. Thus, it appears

that her actual argument is simply that Republic Services is not entitled to any costs. But this argument does not provide a basis for relief given that Republic Services prevailed in the underlying action, that Dorsey has not provided any cogent argument to support her position that Republic Services was not entitled to any costs, and that she has failed to challenge any specific cost item that was awarded. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38. Further, our review of the record demonstrates that Republic Services provided a memorandum of costs and arguments regarding why these costs were reasonable, such that we cannot conclude the district court's costs award was an abuse of discretion. Therefore, we affirm the district court's costs award.⁴

It is so ORDERED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

⁴Insofar as Dorsey 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.

cc: Hon. Joanna Kishner, District Judge
Paul M. Haire, Settlement Judge
Cuthbert Mack Chtd.
Williams Starbuck
Eighth District Court Clerk