

IN THE SUPREME COURT OF THE STATE OF NEVADA

IGOR NAGEZ, AN INDIVIDUAL,
Appellant,
vs.
JAMES W. KWON, AN INDIVIDUAL;
JAMES KWON LLC; ESTATE OF
JEFFREY G. POIRIER; CO-
ADMINISTRATORS OF THE ESTATE
OF JEFFREY G. POIRIER; AND
ELAINE PATENAUDE, AN
INDIVIDUAL,
Respondents.

No. 89375

FILED

MAR 10 2025

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

ORDER REGARDING STAY MOTION AND DISMISSING APPEAL

This is a pro se appeal from a September 13, 2024, district court order reducing an award of attorney fees to judgment.¹ Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge. Appellant has also filed emergency motions for stay of the attorney fees order.²

This court's review of the notice of appeal and documents before it reveals a jurisdictional defect. Specifically, the district court has not entered a written order finally resolving all of the claims and issues in the

¹Although duplicative attorney fees orders were entered on September 13, 2024, it appears that the district court corrected the mistake by striking one of the orders on February 14, 2025.

²February 26, 2025, district court minutes indicate that the court denied appellant's district court motion for stay because appellant failed to post a supersedeas bond and failed to support his motion with relevant authority and legal argument. See NRAP 8(a)(1).

action, such that the September 13 attorney fees order is interlocutory and not appealable as a special order after final judgment. *See* NRAP 3A(b)(8) (permitting this court to consider an appeal from any special order made after final judgment, including an attorney fees judgment); *see also Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) (describing a final judgment).

Previously, the court of appeals reversed in part the district court's original summary judgment on September 11, 2019, and remanded the matter for further proceedings. *Nagez v. Kwon*, No. 76673-COA, 2019 WL 4318436 (Order Affirming in Part, Reversing in Part, and Remanding). While that appeal was pending, the district court entered an order granting respondents' motion for attorney fees on January 14, 2019, concluding that respondents were prevailing parties under NRS 18.010(2) and that appellant had failed to beat respondents' offer of judgment per NRCP 68; although the January 14 order included attached billing records totaling \$82,250, it did not set forth an amount awarded, instead directing counsel to submit itemized billing records. Thus, it appears that the order might not have finally resolved the attorney fees motion by determining the amount owed, such that it was appealable, and appellant did not appeal from that order.

Upon the court of appeals' remand, the district court held the remaining claims in abeyance pending resolution of a related probate action. Although October 3, 2023, district court minutes indicate that the court intended at that time to dismiss the action on claim and/or issue preclusion grounds based on decisions made in the probate action, and on October 10, 2023, the court orally denied appellant leave to file an amended

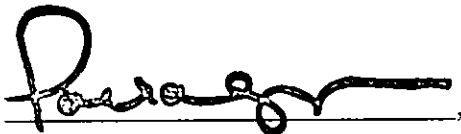
motion to reset the case for trial, directing respondent James Kwon to prepare orders, it does not appear that any written order finally resolving the action has been filed. Meanwhile, in 2021, appellant filed amended motions to vacate the January 14 attorney fees award, raising among other things issues concerning the award's viability after the partial reversal of the summary judgment on which the fees were based. Those motions were apparently orally denied, although no written order appears on the record. In 2023, Kwon moved to reduce the January 14 attorney fees award to judgment, and on September 13, 2024, that motion was summarily granted in an order awarding \$82,250 in attorney fees to Kwon.

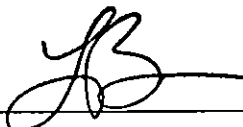
Because no final judgment has been entered, this court lacks jurisdiction over this appeal and appellant's emergency motion to stay enforcement of the September 13 attorney fees order. However, we note that, absent a stay, execution on a money judgment generally may proceed after expiration of the automatic 30-day stay provided in NRCP 62(a). Appellant may obtain a stay of enforcement of the money judgment upon posting a supersedeas bond, and such a stay is immediately effective upon filing the bond with the district court. NRCP 62(d). Although the bond typically must cover the full judgment amount, *Nelson v. Heer*, 121 Nev. 832, 824, 122 P.3d 1252, 1253 (2005), *as modified* (Jan. 25, 2006), we recognize that collection efforts here may have resulted in the attachment or seizure of money from appellant's bank account, and it appears that proceedings on claimed exemptions are ongoing. It is unclear whether these proceedings may affect any future bond amount or request for alternative security, but questions as to such should be addressed to and settled by the district court. *Id.* at 836, 122 P.3d at 1254. As it appears that further


collection efforts have resulted in a notice of sheriff's sale scheduled for March 19, 2025, the parties may wish to seek the district court's resolution of any such questions on shortened time.

As this court lacks jurisdiction over this appeal, we deny the stay motion and

ORDER this appeal DISMISSED.


_____, J.
Parraguirre


_____, J.
Bell


_____, J.
Stiglich

cc: Hon. Erika D. Ballou, District Judge
Igor Nagez
James Kwon, LLC
Eighth District Court Clerk