FILED
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ELIZABETH A. BROWN
CLERK OF SUPREME COURT

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NADIA HADDAD, AN INDIVIDUAL, IYAD HADDAD A/K/A "EDDIE" HADDAD, AN INDIVIDUAL, 1405 VEGAS VALLEY 369 TRUST, AN UNKNOWN ENTITY, AND RESOURCES GROUP, LLC, A NEVADA LIMITED LIABILITY COMPANY, Appellants, vs. GREGORY LOGAN, SUCCESSOR IN INTEREST TO MARGARET M. SHAFFER, Respondent.	No. 89812-COA

ORDER AFFIRMING IN PART, REVERSING IN PART AND REMANDING

Nadia Haddad, Iyad Haddad a/k/a "Eddie" Haddad, 1405 Vegas Valley 369 Trust (Vegas Valley Trust), and Resources Group, LLC (Resources Group), appeal from a post-judgment order awarding attorney fees and costs in a civil action. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

Respondent Gregory Logan sued appellants Nadia Haddad, Eddie Haddad, Vegas Valley Trust, and Resources Group, regarding Eddie's purchase on behalf of Vegas Valley Trust of a condominium at a homeowners' association (HOA) foreclosure sale. The complaint contained allegations that appellants frustrated Logan's attempts to timely redeem the property and claimed fraud/collusion, specific performance, unjust enrichment, alter ego, and elder abuse and sought declaratory judgment that Logan was entitled to redemption of the property.[1] Appellants filed an answer and counterclaim generally denying the allegations contained in the complaint and counterclaiming that Vegas Valley Trust acquired the property at a foreclosure sale and was entitled to an order quieting title because the persons entitled to redeem the property failed to timely do so and also failed to timely produce all money and documentation required to redeem the property.

Following a two-day bench trial, the district court entered judgment in favor of Logan. In its written findings of fact and conclusions of law, the court found, inter alia, that appellants engaged in concerted actions to defeat Logan's redemption of the property which constituted a sufficient showing of "fraud, unfairness, or oppression" to set aside the sale of the property on equitable grounds. The district court also found that appellants had no reasonable ground to maintain this action such that attorney fees should be liberally awarded.

Appellants appealed the judgment and this court affirmed, concluding that while the district court erred in finding Logan fulfilled NRS 116.31166(3)'s payment requirement and that the deed upon sale was void because the deed met all relevant statutory requirements to effectively convey property, the district court properly enforced Logan's redemption of the property on equitable grounds based on its finding that Logan's failure to

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[1]While Logan originally brought his claims against several other individuals and entities involved with the HOA foreclosure sale, all were dismissed as improper parties prior to trial. Additionally, Logan abandoned his claims of fraud/collusion, specific performance, and elder abuse prior to trial.

tender full payment within the statutory timeframe was the result of appellants' fraud, unfairness, or oppression. *See Haddad v. Logan*, No. 85760-COA, 2024 WL 1710896, at *4 (Nev. Ct. App. Apr. 19, 2024) (Order of Affirmance).

Logan thereafter moved for an award for attorney fees and costs before the district court. In his motion, Logan argued that appellants' claims or defenses were brought or maintained without reasonable ground and to harass because they had engaged in "misdeeds" as articulated by the district court in its prior order. In addition, Logan argued the factors under *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969), and supported his request for an award of attorney fees and costs, including fees for time spent pursuing the case against the defendants dismissed before trial and responding to appellants' appeal from the judgment entered following the bench trial. Appellants opposed the motion, arguing that Logan: failed to establish appellants' claims or defenses were brought or maintained without reasonable ground and to harass; improperly requested attorney fees for the time counsel spent in relation to Logan's unsuccessful claims against the dismissed defendants; and improperly requested attorney fees for the time counsel spent responding to appellants' appeal. Logan filed a reply explaining why each of the dismissed defendants were initially named in the suit and arguing that appellants "had so intertwined and convoluted the relationship of the parties in an apparent attempt to discourage redemption that it was necessary for [Logan] to pursue all potential parties that may have had complicity and liability in this action."

The district court conducted a hearing on Logan's motion in which it found that attorney fees should be imposed as a sanction, explaining that "[it] was very clear from the get-go, and I think there was all kinds of shady stuff going on" and determining that Logan should not have had to bear "thousands of dollars of expense" to exercise his right to redeem the property.[2] Following the hearing, the district court entered a written order, finding that Logan was entitled to attorney fees and costs pursuant to NRS 18.010(2)(b) as a sanction because appellants presented no reasonable ground to maintain this action. In addition, the court addressed the *Brunzell* factors and ultimately awarded Logan $82,200 in attorney fees and $987.66 in costs. This appeal followed.

First, appellants argue the district court abused its discretion by awarding attorney fees to Logan pursuant to NRS 18.010(2)(b) because the record does not support the conclusion that appellants' claims or defenses were maintained without reasonable ground or for the purpose of harassing Logan.[3]

[2]While these specific findings were not ultimately contained in the district court's written order, the court explained its reasoning during the hearing, and we construe the written order awarding attorney fees and costs in light of its oral findings. *See Holt v. Reg'l Tr. Servs. Corp.*, 127 Nev. 886, 895, 266 P.3d 602, 608 (2011) (recognizing that an appellate court may consult the record giving rise to a district court order to construe its meaning when the order is ambiguous).

[3]To the extent appellants also challenge the district court's award of costs, they fail to provide cogent argument or relevant authority regarding the propriety of this award, and therefore, we decline to consider this issue on appeal. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130

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NRS 18.010(2)(b) authorizes attorney fees to a prevailing party when the opposing claim or defense "was brought or maintained without reasonable ground or to harass," and it is to be liberally construed to deter frivolous or vexatious claims. *Capanna v. Orth*, 134 Nev. 888, 895, 432 P.3d 726, 734 (2018). This court reviews awards of attorney fees for an abuse of discretion. *Chowdhry v. NLVH, Inc.*, 109 Nev. 478, 485, 851 P.2d 459, 464 (1993). "[T]here must be evidence in the record supporting the proposition that a claim was brought or maintained without reasonable grounds," *id.* at 486, 851 P.2d at 464, and a district court abuses its discretion when its findings are not supported by substantial evidence, *Miller v. Miller*, 134 Nev. 120, 125, 412 P.3d 1081, 1085 (2018).

Here, the district court found that Logan was entitled to attorney fees to sanction appellants' conduct because they engaged in improper behavior during the litigation which caused Logan to incur extensive expenses to exercise his right to redeem the property. We conclude that substantial evidence supports these findings. *See Bergmann v. Boyce*, 109 Nev. 670, 675, 856 P.2d 560, 563 (1993) (explaining that an analysis under NRS 18.010(2)(b) "depends upon the actual circumstances of the case rather than a hypothetical set of facts favoring plaintiff's averments"), *superseded by statute on other grounds as recognized in In re DISH Network Derivative Litig.*, 133 Nev. 438, 451 n.6, 401 P.3d 1081, 1093 n.6 (2017); *see also Allianz Ins. Co. v. Gagnon*, 109 Nev. 990, 996, 860 P.2d 720, 724 (1993) ("[I]f the record reveals that

P.3d 1280, 1288 n.38 (2006) (providing that appellate courts need not consider issues that are not supported by cogent argument and relevant authority).

counsel or any party has brought, maintained, or defended an action in bad faith, the rationale for awarding attorney fees is even stronger."). To the extent appellants challenge the evidence presented during the bench trial relied on by the district court in its award of attorney fees, this court "is not at liberty to weigh the evidence anew, and where conflicting evidence exists, all favorable inferences must be drawn towards the prevailing party." *Quintero v. McDonald*, 116 Nev. 1181, 1183, 14 P.3d 522, 523 (2000) (citing *Yamaha Motor Co. v. Arnoult*, 114 Nev. 233, 238, 955 P.2d 661, 664 (1998)).

In addition, Logan discussed the *Brunzell* factors in his motion for attorney fees, and the record demonstrates the district court reviewed the motion and the supporting documents, appellants' opposition and Logan's reply, and concluded Logan was entitled to attorney fees. *See Logan v. Abe*, 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015) (explaining it is preferable that the district court "expressly analyze each [*Brunzell*] factor relating to an award of attorney fees," but the court "need only demonstrate that it considered the required factors, and the award must be supported by substantial evidence"). In light of these circumstances, appellants fail to demonstrate the district court abused its discretion in finding appellants presented no reasonable ground to maintain this action. *See Chowdhry*, 109 Nev. at 486, 851 P.2d at 464. Therefore, we conclude appellants are not entitled to relief based on these arguments.

Second, appellants argue the district court abused its discretion by awarding attorney fees for the time Logan's counsel spent pursuing Logan's unsuccessful claims against the dismissed defendants. Logan counters that the district court did not abuse its discretion because the relationship between the claims and the parties made apportionment of attorney fees impracticable.

"[I]n an action in which a plaintiff pursues claims based on the same factual circumstance against multiple defendants, it is within the district court's discretion to determine whether apportionment is rendered impracticable by the interrelationship of the claims against the multiple defendants." *Mayfield v. Koroghli*, 124 Nev. 343, 353, 184 P.3d 362, 369 (2008); *see also Fortunet, Inc. v. Rosten*, No. 85618, 2024 WL 390133, at *5 (Nev. Jan. 31, 2024) (Order Affirming in Part, Reversing in Part, Vacating in Part, and Remanding) (providing that the apportionment rule articulated in *Mayfield* extends to attorney fees).

Logan argued below that he was entitled to attorney fees for work counsel performed in relation to the dismissed defendants without apportionment between appellants and the dismissed defendants because the "intertwined and convoluted [ ] relationship of the parties" required counsel to pursue Logan's claims against "all potential parties." Appellants only briefly addressed Logan's request for attorney fees related to the dismissed defendants in their opposition to Logan's motion below and did not present argument addressing any standards the district court should consider for apportionment of fees. Instead, appellants cursorily argued that Logan was not entitled to such attorney fees because his claims against the dismissed defendants "were not successful."[4]

Similarly, appellants' briefing to this court does not address the standards the district court should have used when evaluating whether to apportion fees or present cogent argument as to why the district court's findings as to the reasonableness of fees was improper. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38. In light of these circumstances, appellants fail to demonstrate the district court abused its discretion in awarding Logan attorney fees for time his counsel spent pursuing Logan's claims against the dismissed defendants. *See Chowdhry*, 109 Nev. at 485, 851 P.2d at 464. Therefore, we conclude appellants do not demonstrate they are entitled to relief based on this argument.

Finally, appellants argue the district court abused its discretion by awarding attorney fees to Logan for time Logan's appellate counsel spent responding to appellants' appeal from the judgment entered following the bench trial. While we review an award of attorney fees for an abuse of discretion, *see id.*, a district court does not have the authority to award attorney fees incurred on appeal pursuant to NRS 18.010(2)(b), *see Bobby Berosini, Ltd.*

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[4]On appeal, appellants attempt to expand their argument on this issue, now specifically arguing that because the dismissed defendants successfully defended the case, Logan was not a prevailing party and their claims were not brought or maintained without reasonable ground or to harass him. These arguments were not made before the district court in the first instance, and we need not consider them on appeal. *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 [forfeited] and will not be considered on appeal."). Regardless, appellants are not entitled to relief for the reasons outlined.

v. PETA, 114 Nev. 1348, 1356-57, 971 P.2d 383, 388 (1998) (concluding that "because NRS 18.010 does not explicitly authorize attorney's fees on appeal, and because NRAP 38(b) limits attorney's fees on appeal to those instances where an appeal has been taken in a frivolous manner," a party is not entitled to attorney's fees "incurred through its appeal of [an opposing party's] favorable trial judgment").

Here, the record before this court demonstrates that the district court awarded appellate attorney fees to Logan for the aforementioned appeal under NRS 18.010(2)(b). Because an award of appellate attorney fees is not authorized by NRS 18.010(2)(b), we determine that the district court abused its discretion by awarding appellate attorney fees under that statute. Accordingly, we reverse the district court's decision to award appellate attorney fees under NRS 18.010(2)(b) and remand for the district court to remove that portion the fees from its award of fees in Logan's favor.

For the reasons discussed herein, we

ORDER the judgment of the district court AFFIRMED IN PART AND REVERSED IN PART AND REMAND this matter to the district court for proceedings consistent with this order.

Bulla, C.J.

Gibbons, J.

Westbrook, J.

cc: Hon. Mary Kay Holthus, District Judge
Cline Legal Solutions, LLC
Crosby & Fox, LLC
Eighth District Court Clerk