



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

REEC ENTERPRISES, LLC, A
LIMITED LIABILITY COMPANY,
Appellant,
vs.
TYRONE SPREWELL, AN
INDIVIDUAL AND PAULA
SAUNDERS, AN INDIVIDUAL,
Respondents.

No. 90643-COA

ORDER OF AFFIRMANCE

REEC Enterprises, LLC (REEC), appeals from an amended final judgment entered upon a jury verdict in an action concerning title to real property and related claims. REEC also challenges interlocutory orders denying its motions for summary judgment, to stay or continue trial, and to bifurcate. Eighth Judicial District Court, Clark County; Erika D. Ballou, Judge.

In 2011, respondent Tyrone Sprewell purchased a single-family home on Charter Crest Street in North Las Vegas (the premises) with a Veterans Affairs (VA) loan. He contracted to sell the premises to Jimmy Wilson and Twana Hatcher (the former residents) in 2016. The former residents took possession but never obtained the contemplated financing or tendered the balloon payment. Facing financial difficulty in 2018, Sprewell sought loan assistance from REEC, whose principal is Deon Derrico. Sprewell executed and recorded a quitclaim deed conveying a 50-percent interest in the premises to REEC in January 2019 and then, in February 2019, he sued the

former residents (the prior action) for a writ of restitution and declaratory relief, with REEC funding that litigation. Sprewell executed and recorded a second quitclaim deed conveying a 100-percent interest in the premises to REEC in September 2019. Sprewell then executed an affidavit of insured deed in May 2020—averring that the September 2019 deed “is intended to be and is an absolute conveyance of 100% title and interest” to REEC and that consideration was paid for the transfer. In July 2021, he served verified interrogatory answers in the prior action acknowledging again that, in exchange for the conveyance of title, he received consideration from REEC. REEC estimates that it ultimately paid more than \$120,000 toward the VA mortgage and approximately \$380,000 in total for Sprewell’s legal fees, rent, utilities, and living expenses.

Following a bench trial, the district court in the prior action entered judgment in Sprewell’s favor in September 2022, awarding him a writ of restitution and declaratory relief against the former residents and rejecting all of their counterclaims, including claims for quiet title and fraudulent conveyance. As relevant here, the judgment recited that Sprewell had transferred his interest in the premises to REEC by the recorded September 2019 deed, and the court reasoned that the former residents’ fraudulent-transfer counterclaim failed in part because they had not joined REEC, a necessary party whose interests could not be prejudiced in its absence without violating due process. The former residents appealed, REEC was joined as a respondent to the appeal, and in August 2023, this court affirmed the judgment on the merits, reversed two sanction awards, and remanded.¹ In doing so, this court expressly declined to consider the former residents’ argument that REEC

¹*Wilson v. Sprewell*, No. 85374-COA, 2023 WL 5028924 (Nev. Ct. App. Aug. 4, 2023) (Order Affirming in Part, Reversing in Part and Remanding).

did not have an ownership interest in the premises because it was raised for the first time in its reply brief.

Sprewell and Paula Saunders (collectively, respondents) met and became a couple in late 2019. According to REEC, respondents thereafter began questioning REEC's ownership and undertook efforts to divest REEC of title. REEC asserts that respondents recorded a quitclaim deed purporting to convey the premises from REEC back to Sprewell as of September 2022.² REEC alleged that the deed was forged using a notary acknowledgment Sprewell had obtained for other documents. REEC further alleged that the notary disclaimed the acknowledgment and produced his notarial journal. According to REEC's summary judgment papers, Sprewell also filed a police report accusing REEC of stealing the premises; the report itself is not provided in the record, and its date does not appear, though it necessarily preceded the criminal charges that followed. The parties do not dispute that Sprewell was criminally charged—in a case REEC represents was filed in early December 2022—with two felony counts of forgery arising from the record deed and a misdemeanor count of filing a false police report. Sprewell later pleaded no contest to the misdemeanor and respondents represent that the felony forgery charges were ultimately dismissed and that Sprewell has no forgery conviction. However, the disposition of the criminal case is not otherwise documented in the record on appeal.³

²REEC's opening brief places the disputed reconveyance deed in 2023. The record, however, reflects that the deed was recorded on October 3, 2022, and purported to reflect conveyance on September 19, 2022. We use the record dates.

³The charging documents, the police report, and the no contest plea documents are not reproduced in the record on appeal. The description of the
continued on next page . . .

REEC filed the action underlying this appeal in October 2022, asserting claims for forgery, fraudulent misrepresentation, conspiracy, civil RICO, slander of title, quiet title, declaratory judgment, and injunctive relief. Respondents answered and counterclaimed for declaratory and injunctive relief and abuse of process. In verified interrogatory answers served in this action in May 2023, Sprewell swore that he was “tricked into signing a false instrument,” that he executed the 2019 deeds “to perpetrate a fraud” so that the record would reflect a sale enabling the former residents’ eviction, that he “was not paid anything,” and that “[i]t was a sham.”

The parties cross-moved for judgment in May 2024—respondents for judgment on the pleadings and REEC for summary judgment resting on the prior orders, the deeds, the affidavit, and the 2021 interrogatory answers. The district court denied both motions in June 2024, finding that REEC’s res judicata (claim preclusion) argument lacked merit because REEC was not a party in the prior action and because genuine disputes of material fact remained concerning the competing quitclaim deeds and ownership of the premises.

In November 2024, REEC moved to continue and stay the trial, citing a late document production and the pendency of Sprewell’s criminal case. By minute order entered in January 2025, the district court denied the motion, expressly weighing the possible damage from a stay, the hardship of going forward, and the orderly course of justice. The court found that the documents at issue had been served more than two months earlier, that although the criminal case “involves the same facts and circumstances as this civil matter,

report’s contents comes from REEC’s summary judgment motion and reply, and the December 2022 filing date and case numbers from REEC’s motion to continue trial.

there is no showing that Plaintiff will suffer a hardship” if the case proceeded, that no judicial economy would be served by a stay, and that REEC “did not provide any information regarding the criminal case to establish any possible reason for a stay.”

At the January 2025 calendar call, the district court set a jury trial on all claims. REEC’s counsel orally moved to bifurcate, which the court denied, and three days later REEC filed a written motion for reconsideration or, alternatively, to bifurcate—arguing that its equitable quiet title and declaratory relief claims required a bench trial. The court denied the motion, finding that REEC did not timely move for bifurcation and that a separate bench trial was not required for the quiet title and declaratory relief claims, as there were also legal claims to be tried with the same evidence.

A jury trial on all claims began in February 2025. Mid-trial, REEC attempted to call Detective Marcus Cook, but the district court excluded him as a witness because REEC’s pretrial disclosures had named only Detective Paul Freeman, who apparently was unavailable due to his retirement. REEC had learned of Freeman’s retirement in late January 2025 but never moved for substitution or to force his appearance. The court remarked that it “probably would have granted your Motion to Replace a Witness” had one been made. After REEC rested, the court granted respondents’ NRCP 50(a) motion in part, dismissing REEC’s conspiracy and civil RICO claims and all of REEC’s claims against Saunders, but denied the motion as to REEC’s remaining claims against Sprewell.

The jury returned a special verdict in March 2025, finding that neither REEC nor Sprewell was the sole owner of the premises and that each owned a 50-percent interest. REEC was awarded \$20,000 in general damages against Sprewell; Sprewell and Saunders were awarded \$50,000 each on their

abuse of process counterclaims; and, in a separate punitive phase, Saunders was awarded \$25,000 in punitive damages. The amended judgment, entered in April 2025, recites that the district court, without issuing findings of fact and conclusions of law separate from those found by the jury, was persuaded and granted a nonmonetary judgment that REEC and Sprewell each owned a 50-percent interest in the premises.

The district court entered net monetary judgments of \$30,000 for Sprewell and \$75,000 for Saunders, awarded \$2,378.50 in costs and prejudgment interest on the non-punitive awards, and continued a stipulated status quo injunction under which REEC—the occupant of the premises—was required to service the mortgage and HOA obligations.⁴ REEC appealed, challenging several pretrial rulings and the judgment. We address each in turn.

There is no basis to reverse the denial of REEC’s motion for summary judgment

REEC argues that the district court erred in denying its motion for summary judgment notwithstanding the September 2022 judgment and this court’s August 2023 order, which REEC reads as conclusively establishing its 100-percent ownership of the premises. REEC requests that the denial be voided pursuant to NRCP 60(b)(4), asserting that the district court abused its discretion by failing to review supporting evidence and denying REEC meaningful consideration in violation of due process. Respondents answer that any alleged error in denying summary judgment became moot once the case was tried on the merits and the jury resolved the disputed facts. They also

⁴After REEC filed its notice of appeal, the district court awarded respondents \$59,850 in attorney fees under NRS 18.010(2)(b) in a separate order. REEC has not appealed the attorney fees order and thus we need not consider it.

contend that genuine issues of material fact existed because the validity and effect of the competing deeds and Sprewell's dispute that REEC paid the agreed consideration were inherently factual issues. Respondents further assert that REEC's motion rested heavily on beliefs and assertions rather than admissible evidence. REEC disclaims the denial as an independent basis for reversal in its reply—arguing instead that the district court's decision demonstrates the ownership issue should never have been submitted to a jury.

Although a district court's order denying summary judgment is not independently appealable, "where a party properly raises the issue on appeal from the final judgment, this court will review the decision de novo." *Mardian v. Greenberg Fam. Tr.*, 131 Nev. 730, 733, 359 P.3d 109, 111 (2015) (quoting *Cromer v. Wilson*, 126 Nev. 106, 109, 225 P.3d 788, 790 (2010)); *see also* *GES, Inc. v. Corbitt*, 117 Nev. 265, 268, 21 P.3d 11, 13 (2001) (agreeing to review a summary judgment ruling raised in an appeal from a final judgment). Summary judgment is proper only if, when viewing the evidence in a light most favorable to the nonmoving party, no genuine dispute of material fact exists and the moving party is entitled to judgment as a matter of law. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). A genuine dispute of material fact exists if, based on the evidence presented, a reasonable jury could return a verdict in favor of the nonmoving party, *see Butler ex rel. Biller v. Bayer*, 123 Nev. 450, 457-58, 168 P.3d 1055, 1061 (2007), and neither the district court nor this court may resolve issues of credibility upon review of the motion papers, *see Pegasus v. Reno Newspapers, Inc.*, 118 Nev. 706, 713-14, 57 P.3d 82, 87 (2002).

Respondents' threshold contention—that any claimed error in the denial became moot once the case was tried on the merits—finds support in the United States Supreme Court's holding that a party may not appeal certain

orders denying summary judgment after a full trial on the merits because the order “retains its interlocutory character as simply a step along the route to final judgment,” and “[o]nce the case proceeds to trial, the full record developed in court supersedes the record existing at the time of the summary-judgment motion.” *Ortiz v. Jordan*, 562 U.S. 180, 183-84 (2011). But we need not decide whether Nevada should adopt that rule to decide this case, as denial of summary judgment remains reviewable de novo when properly raised on appeal from the final judgment. *See Cromer*, 126 Nev. at 107-09, 225 P.3d at 789-90 (reaching the merits of a denial of summary judgment after a full jury trial). Moreover, REEC never responds to respondents’ mootness argument; its reply instead expressly disclaims reliance on the denial as an independent basis for reversal. Such silence in the face of a squarely presented argument “constitutes a clear concession by appellants that there is merit in respondents’ position.” *Colton v. Murphy*, 71 Nev. 71, 72, 279 P.2d 1036, 1036 (1955).

We nevertheless choose to address the summary judgment ruling on the merits, and we discern no error upon review of the record before the district court. Whether the denial is measured against the summary judgment record as it stood in June 2024 or the trial record later developed, the result is the same because both reflect genuine disputes of fact over the validity of the deeds and the ownership of the premises. By May 2024, the summary judgment record contained statements by Sprewell swearing to two opposite accounts of the same transaction. The 2020 affidavit and the 2021 interrogatory answers affirmed an absolute, paid-for conveyance, while the May 2023 verified answers in the underlying action swore that the deeds were a sham for which Sprewell was not paid anything. Deciding which of Sprewell’s competing sworn accounts to credit was a quintessential question for the factfinder, and the resulting genuine dispute of material fact over the

validity of, and existence of consideration for, the conveyances required denial of the motion for summary judgment. REEC's assertion that Sprewell offered no facts, evidence, affidavits, or admissible material in opposition is contradicted by the record the district court had before it.

REEC's invocation of NRCP 60(b)(4) is likewise unavailing. REEC never moved for relief under NRCP 60(b) in the district court—invoking the rule for the first time on appeal as a vehicle to void the summary judgment denial. There is accordingly no district court ruling for this court to review, and we need not consider REEC's advancement of this rule as a basis to reverse the district court's denial of its summary judgment motion. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981). In any event, that rule provides relief from a void final judgment—typically one entered without jurisdiction or in violation of due process—and an interlocutory denial of summary judgment with which a party disagrees is neither a final nor a void judgment. REEC's due process contention is that the district court denied its motion in a “very arbitrary” manner without a hearing—alleging the court did not read the motion or “abide” by its supporting evidence, and thereby denied REEC meaningful consideration on summary judgment. The record refutes that contention.

The district court's written order, filed in June 2024, recites that the court considered all papers and pleadings before determining that no hearing was necessary; sets out the governing summary judgment standard; and discusses the very evidence REEC says was ignored—the prior judgment, the competing quitclaim deeds, and the supporting affidavits—before concluding that genuine issues of material fact remained. A court may decide a motion on the papers without oral argument, *see* EDCR 2.23(c), and REEC does not contend it lacked notice of the motion practice or the opportunity to

be heard through its motion and reply. What REEC actually challenges is the weight the district court assigned to its evidence, and a party's disagreement with how a court evaluated the record is not a due process defect that renders a ruling void. Because genuine disputes of material fact precluded summary judgment, and because REEC's own reply disclaims the denial as an independent basis for reversal, we conclude the denial of summary judgment supplies no basis for relief.

The district court did not err in permitting respondents to contest REEC's ownership interest

On the question of ownership interest, REEC argues it was conclusively settled before this case began, and that res judicata, collateral estoppel, judicial estoppel, law of the case, judicial admissions, privity, and unclean hands barred respondents from contesting REEC's 100-percent ownership interest. REEC contends that the prior action's judgment and this court's 2023 order already adjudicated its ownership. REEC further contends that Sprewell successfully maintained the position that REEC owned the premises in the prior action—through the quitclaim deeds, the affidavit of insured deed, and the 2021 verified interrogatory answers acknowledging consideration—and benefited from that position before reversing course. REEC also contends that Sprewell's sworn statements are binding judicial admissions that could not be contradicted at trial. REEC characterizes the jury's 50/50 allocation as a legal impossibility because, in its view, no ownership interest remained with Sprewell for the jury to assign.

Respondents answer that no prior court ever decreed REEC as the title owner. They observe that judgment in the prior action was entered in Sprewell's favor against the former residents in litigation to which REEC was not a party at trial—noting that the prior judgment states only that Sprewell “transferred his interest in the [premises] to a third party, REEC Enterprises,

LLC,” by recorded deed. Respondents also maintain that the validity of the conveyances—including whether REEC paid the agreed consideration—presented highly contested factual and credibility questions for the jury to resolve.

Nevada follows a three-part test to establish claim preclusion—requiring that “(1) the parties or their privies are the same, (2) the final judgment is valid, and (3) the subsequent action is based on the same claims or any part of them that were or could have been brought in the first case.” *Five Star Cap. Corp. v. Ruby*, 124 Nev. 1048, 1054, 194 P.3d 709, 713 (2008), *holding modified by Weddell v. Sharp*, 131 Nev. 233, 350 P.3d 80 (2015). Issue preclusion, however, requires that (1) the issue previously decided must be “identical to the issue presented in the current action,” (2) the prior ruling must have been on the merits and considered final, (3) the judgment must have been asserted against “a party or in privity with a party to the prior litigation,” and (4) the issue had been “actually and necessarily litigated.” *Id.* at 1055, 194 P.3d at 713.

Here, REEC’s claim preclusion theory fails on its elements as it misapprehends what the prior decisions *actually* decided. The prior action adjudicated possession and title as between Sprewell and the former residents, not as between Sprewell and REEC. The September 2022 judgment awarded Sprewell relief against the former residents and rejected their counterclaims. Its recitation that Sprewell transferred his interest to REEC by the September 2019 deed was a finding made in litigation to which REEC was not a party and was offered to explain why the former residents lacked any interest in the premises. On the indispensable-party point, the judgment held that the former residents’ fraudulent-transfer claim failed “by itself” because they had not joined REEC. The district court found that REEC was “an indispensable party

to this action for the purposes of a fraudulent transfer claim under NRS 112.190” and that the former respondents could not “prejudice [REEC’s] rights and interests in the Subject Property without [REEC] being a party in this action.” Indeed, the portion of the judgment on which REEC most heavily relies—the indispensable-party discussion—expressly protected REEC’s interests from adjudication in its absence, and it cannot simultaneously be read as an adjudication of the validity of REEC’s title.

Nor did the judgment resolve or purport to resolve any of the claims or defenses at issue in this case; although preclusion may attach where only some claims were previously adjudicated, none of these claims were. REEC’s forgery and slander of title claims arose from a deed recorded in October 2022, after the prior judgment was entered, and Sprewell’s failure-of-consideration and sham-conveyance defenses were never pleaded, litigated, or decided in the prior action. The identity-of-claims element of claim preclusion therefore fails. In this respect, *Five Star* itself illustrates the preclusion paradigm the present case lacks—successive suits by the same plaintiff against the same defendant arising from the same failed real property purchase, 124 Nev. at 1050-51, 194 P.3d at 710-11—and nothing comparable links the former residents’ unlawful-detainer litigation to REEC’s forgery and title claims against Sprewell.

This court’s August 2023 order does little to advance REEC’s position. There, we affirmed the merits as between the former residents and Sprewell, reversed the sanction awards, and remanded. *See generally Wilson v. Sprewell*, No. 85374-COA, 2023 WL 5028924 (Nev. Ct. App. Aug. 4, 2023) (Order Affirming in Part, Reversing in Part and Remanding). The background description of the recorded conveyances in the order was not a holding that REEC’s title was valid as against Sprewell. *Id.* More pointedly, when the

former residents argued that REEC did not have an ownership interest in the premises, this court expressly declined to address the argument because it was raised for the first time in the reply brief. *Id.* at *4 n.4 (citing *Weaver v. State, Dep't of Motor Vehicles*, 121 Nev. 494, 502, 117 P.3d 193, 198-99 (2005)).

Further, the law-of-the-case doctrine has no application here; this is a different case, between different adversaries, presenting different claims. *See Recontrust Co. v. Zhang*, 130 Nev. 1, 8, 317 P.3d 814, 818 (2014) (“Normally, for the law-of-the-case doctrine to apply, the appellate court must actually address and decide the issue explicitly or by necessary implication.” (internal quotation marks omitted)). The fact that REEC was joined as a respondent to the prior appeal does not alter the analysis. REEC and Sprewell were co-respondents aligned against the former residents, and no issue was joined or decided between them.⁵

REEC’s judicial estoppel theory likewise does not warrant reversal on this record. Judicial estoppel prevents a party from asserting a position in one proceeding that is contrary to a position the party took in a previous proceeding. *See Kaur v. Singh*, 136 Nev. 653, 657-58, 477 P.3d 358, 362 (2020). In determining whether the doctrine applies, Nevada courts consider whether “(1) the same party has taken two positions; (2) the positions were taken in judicial or quasi-judicial administrative proceedings; (3) the party was

⁵To the extent REEC also raises issue preclusion arguments, REEC did not raise that issue below, and does not develop its argument on appeal until its reply brief. *See Old Aztec Mine*, 97 Nev. at 52, 623 P.2d at 983 (“A point not urged in the trial court, unless it goes to the jurisdiction of that court, is deemed to have been waived and will not be considered on appeal.”); *see also Francis v. Wynn Las Vegas, LLC*, 127 Nev. 657, 671 n.7, 262 P.3d 705, 715 n.7 (2011) (declining to consider an argument raised for the first time in a reply brief); *Edwards v. Emperor’s Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that this court need not consider an appellant’s argument that is not cogently argued or lacks support of relevant authority).

successful in asserting the first position (i.e., the tribunal adopted the position or accepted it as true); (4) the two positions are totally inconsistent; and (5) the first position was not taken as a result of ignorance, fraud, or mistake.” *Id.* at 657, 477 P.3d at 362-63 (quoting *In re Frei Irrevocable Tr. Dated Oct. 29, 1996*, 133 Nev. 50, 56, 390 P.3d 646, 652 (2017)). Judicial estoppel should be applied only where the inconsistency arises from intentional wrongdoing or an attempt to obtain an unfair advantage. *See NOLM, LLC v. County of Clark*, 120 Nev. 736, 743, 100 P.3d 658, 663 (2004). A judicial admission, in turn, is a “deliberate, clear, unequivocal” statement by a party about a concrete fact within that party’s knowledge. *Reyburn Lawn & Landscape Designers, Inc. v. Plaster Dev. Co.*, 127 Nev. 331, 343, 255 P.3d 268, 276-77 (2011).

Here, the requirement that Sprewell’s earlier position has been successfully asserted and accepted by a court is not supported by the record. The prior action’s judgment ran in Sprewell’s favor on grounds that did not depend on the validity of the REEC conveyances or the receipt of consideration—the former residents’ material breach, their lack of any preexisting interest, and their non-creditor status. The prior court accepted that a recorded transfer occurred, but it never adjudicated that the transfer was valid, supported by consideration, or otherwise immune from the defenses Sprewell later raised. Second, judicial estoppel is an equitable, discretionary doctrine whose application is for the district court, and its exercise is reviewed only deferentially. *See NOLM*, 120 Nev. at 743, 100 P.3d at 663. REEC, however, never asked the district court to apply the doctrine: its summary judgment motion rested solely on res judicata and the asserted weight of its evidence, its reply repeated the res judicata theory and added an unclean-hands argument, but neither filing, nor anything else in the record apart from a boilerplate waiver/estoppel affirmative defense in its answer to the

counterclaims, invoked judicial estoppel or judicial admissions. Sprewell's sworn statements were used below only as evidence, and a point not urged in the district court is deemed waived and will not be considered on appeal. *See Old Aztec Mine*, 97 Nev. at 52, 623 P.2d at 983. Nor can REEC establish preservation through the trial proceedings themselves. REEC's appendix contains only two brief trial excerpts—the colloquy concerning Detective Cook and the reading of the verdict—and none of the transcripts of the testimony or the parties' arguments. It was REEC's burden to provide an adequate appellate record, and when an appellant fails to include necessary documentation, this court necessarily presumes that the missing portions support the district court's decision. *See Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007). On this record, very little shows judicial estoppel was ever urged at trial, and the presumption runs in favor of the judgment.

What the jury actually resolved in the present matter was the distinct question of the evidentiary weight and credibility of Sprewell's competing sworn statements, measured against the testimony and evidence presented at trial. The jury considered testimony and other evidence related to the deeds in this case, the affidavit, and the interrogatory history; credited neither side entirely; and, ultimately rejected Sprewell's claim to sole ownership along with REEC's. We need not, and should not, reweigh that evidence under our highly deferential evidentiary standards. *See Soper v. Means*, 111 Nev. 1290, 1294, 903 P.2d 222, 224 (1995) (holding that an appellate court will uphold a jury verdict supported by substantial evidence and will overturn it only if it was clearly wrong from all the evidence presented); *see also Allstate Ins. Co. v. Miller*, 125 Nev. 300, 308, 212 P.3d 318, 324 (2009) (applying the *Soper* substantial-evidence standard).

Moreover, the authorities REEC invokes only confirm how far this case sits from the judicial estoppel doctrine's proper application. In *Marcuse v. Del Webb Communities, Inc.*, judicial estoppel applied because Del Webb successfully represented to the court in a class action that it could pursue its claims in a separate action, but then reversed course in that separate action between the same adversaries to argue that the claims were barred. *See* 123 Nev. 278, 287-88, 163 P.3d 462, 468-69 (2007). Here, by contrast, the prior court accepted only that a recorded transfer occurred, so respondents cannot show the court adopted an inconsistent position as required by the doctrine. *See id.* at 288, 163 P.3d at 469 (including elements that the district court adopted or accepted the first position as true). The judgment in the prior action ran in Sprewell's favor against the former residents on grounds independent of the REEC conveyance—its own material breach, its lack of any preexisting interest in the property, and its non-creditor status. The court recited in its findings that Sprewell transferred title to REEC in September 2019 and that it was never asked to decide, nor did it decide, whether that transfer was valid, supported by consideration, or binding as between Sprewell and REEC. Acknowledging that a recorded transfer occurred is not “totally inconsistent” with later contending the transfer was an unpaid sham, and a position the earlier court did not adjudicate cannot be considered a point Sprewell was “successful in asserting.” *Id.*

This case thus mirrors *NOLM*, where judicial estoppel did not apply because the party had never asserted a contrary position in a prior judicial or quasi-judicial proceeding. *See* 120 Nev. at 743, 100 P.3d at 663. Sprewell's position in litigating the prior action concerned the former residents' breach and right to possession—not the conveyance's validity—so there is no accepted contrary position to hold him to. *Id.* Judicial estoppel is, in any event,

reserved for inconsistency arising from intentional wrongdoing or pursuit of an unfair advantage. *Id.* (“Judicial estoppel does not preclude changes in position that are not intended to sabotage the judicial process.”). Whether Sprewell’s about-face was calculated fraud (as REEC urges) or the belated truth about a sham arrangement (as he swore in 2023), the dispute itself was central to the trial of the underlying case. Therefore, REEC has not established that judicial estoppel applies under these circumstances.

REEC’s judicial-admissions theory is likewise unpersuasive. The sworn statements REEC characterizes as judicial admissions do not qualify under that definition. Sworn statements offered and contested as proof—here, the 2020 affidavit, the 2021 interrogatory answers, and Sprewell’s testimony—are at most evidentiary admissions, which “may be controverted or explained by the party.” *Reyburn Lawn*, 127 Nev. at 343, 255 P.3d at 277 (internal quotation marks omitted). The dispositive question is the nature of the statement—e.g., whether it is a deliberate, binding concession in the litigation or proof subject to explanation and contradiction—not the forum in which the statement was made. That is all the more clear where, as here, the affidavit and interrogatory answers were never separate filings in this case, but rather exhibits introduced, and impeached, at trial.

Reyburn Lawn, for example, cuts against REEC’s position on this issue; there, the district court treated a witness’s trial testimony as a judicial admission of liability, and the supreme court reversed, holding that the testimony was neither a judicial nor an evidentiary admission because it was not deliberate, clear, and unequivocal when read in context. *See* 127 Nev. at 343-44, 255 P.3d at 276-77 (reiterating that even evidentiary admissions may be controverted or explained). Seemingly, if sworn trial testimony in the same case cannot be conclusively held against a party without close attention to

context, Sprewell's affidavit and his interrogatory answers—neither constituting testimony the jury was required to credit, and both squarely disputed at trial—cannot be either. They were evidentiary admissions and, although admissible and probative, were subject to explanation and contradiction before the factfinder. That is how the trial unfolded: REEC impeached Sprewell with the affidavit and the 2021 answers, Sprewell explained them as part of the claimed sham, and the jury resolved the conflict.

REEC's remaining theories also lack merit. Its privity theory—advanced as a standalone bar distinct from the privity element of claim preclusion addressed above—appears in developed form for the first time in its reply brief, and we decline to consider it. *See Weaver*, 121 Nev. at 502, 117 P.3d at 198-99 (explaining that this court need not consider issues raised for the first time in an appellant's reply brief); *see also* NRAP 28(c). Its law-of-the-case and unclean-hands theories are unpersuasive. Though both are raised in the opening brief, each is unsupported by cogent argument or relevant authority, so we need not consider them on appeal.⁶ *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that this court need not consider an appellant's argument that is not cogently argued or lacks support of relevant authority). We therefore conclude that the district court did not err in permitting respondents to contest

⁶We note that REEC pursued an unclean-hands theory before the district court both as an affirmative defense to the counterclaims and in its reply brief in support of summary judgment. The district court's denial of summary judgment declined to resolve the competing equities as a matter of law, and the facts on which the defense turned were the disputed facts resolved by the jury. The jury's abuse-of-process verdicts in respondents' favor, and Sprewell's own sworn account that the 2019 deeds were executed to create a false appearance of a sale, undermine the contention that the equities ran only in REEC's favor.

REEC's ownership of the premises, and that REEC's assignments of error present no basis for relief.

The district court acted within its discretion in denying REEC's motion to stay or continue trial and in excluding Detective Cook as a witness

REEC argues that the district court's January 2025 denial of its motion to stay or continue the civil trial pending resolution of Sprewell's criminal forgery case was unjustified. REEC contends that the civil and criminal proceedings were parallel as they involved the same premises, parties, and issues, and that the criminal outcome was important to the civil case. REEC relies principally on *SEC v. Dresser Industries, Inc.*, which observed that the strongest case for deferring civil proceedings until completion of criminal proceedings is where a party under indictment for a serious offense must defend a civil action involving the same matter. *See* 628 F.2d 1368, 1375-76 (D.C. Cir. 1980) (en banc). REEC further contends that the refusal to stay, combined with the exclusion of the investigating detective as a witness, deprived it of the right to present evidence and constituted structural error warranting automatic reversal. Respondents answer that the decision whether to stay is discretionary and incidental to the district court's inherent power to control its docket, that REEC cites no authority establishing that a stay was required, and that REEC's argument rests on speculation rather than any concrete showing of prejudice.

The decision whether to grant a stay is committed to the district court's discretion. *Aspen Fin. Servs., Inc. v. Eighth Jud. Dist. Ct.*, 128 Nev. 635, 640-41, 289 P.3d 201, 204-05 (2012) (clarifying that denial of a motion to stay civil proceedings made in connection with a request against self-incrimination is reviewed for an abuse of discretion); *see also Maheu v. Eighth Jud. Dist. Ct.*, 89 Nev. 214, 216-17, 510 P.2d 627, 629 (1973) (citing *Landis v. N. Am. Co.*, 299 U.S. 248, 254-55 (1936), in recognizing the district court's

inherent power to control the disposition of the cases on its docket). Even where civil and criminal matters arise from the same transactions, no constitutional right to a stay of the civil case arises merely because a parallel criminal proceeding is pending; whether a stay is warranted is instead a fact-intensive, discretionary determination that requires a careful balancing of the competing interests in the particular case, and the movant bears a heavy burden of demonstrating that a stay is warranted. *See Aspen*, 128 Nev. at 642, 289 P.3d at 205 (observing that a party “has no constitutional right to a stay simply because a parallel criminal proceeding is in the works” and that “[a] movant must carry a heavy burden” (quoting *Microfinancial, Inc. v. Premier Holidays Int’l, Inc.*, 385 F.3d 72, 77-78 (1st Cir. 2004))). Those interests include the possible damage from granting a stay, the hardship a party may suffer in going forward, and the orderly course of justice. *See CMAX, Inc. v. Hall*, 300 F.2d 265, 268 (9th Cir. 1962). The burden rests with the moving party who “must make out a clear case of hardship or inequity” before a stay will issue where there is “even a fair possibility” that the stay will work damage to another. *Landis*, 299 U.S. at 255. Because the ruling is discretionary and turns on case-specific balancing, this court will not disturb the denial of a stay absent an abuse of the district court’s broad discretion in such matters. *See Maheu*, 89 Nev. at 216-17, 510 P.2d at 628-29 (emphasizing that district courts have broad discretion over calendaring and stay determinations); *see also Landis*, 299 U.S. at 254-56.

Here, the district court expressly applied that framework and made specific findings. The court found that the late-served documents, consisting of thousands of pages of supplemental discovery, had been in REEC’s possession for more than two months, and although the criminal case involved the same facts and circumstances, REEC made no showing that it

would suffer hardship from proceeding. It further found that judicial economy would not be served by a stay, and concluded REEC provided insufficient information regarding the criminal case to establish good cause for a stay. Thus, in substance, the district court’s denial rested on REEC’s failure to carry its burden of justifying a stay.

The authorities cited by REEC on appeal do not aid its position in support of a stay. Both *Dresser*, 628 F.2d at 1375-76, and *Keating v. Office of Thrift Supervision*, 45 F.3d 322, 324-26 (9th Cir. 1995), addressed the paradigm of a defendant under indictment who faces the choice between self-incrimination and defending a parallel civil action. Here, the posture was inverted. REEC, the civil plaintiff, sought to postpone its own trial to await the outcome of the prosecution of the defendant, while the criminally charged defendant opposed any delay. REEC’s asserted justification—that a conviction would “demonstrate and substantiate” its ownership and avoid inconsistent results—was offered without any information about the status of the criminal case, when it might be resolved, or why a forgery conviction on the October 2022 deed would control the separate question the jury ultimately decided: whether REEC had paid for the interest conveyed by the 2019 deeds. Considered against this record, REEC’s federal authorities only confirm the deference owed to the district court. In *Keating*, the Ninth Circuit upheld the refusal to stay even though the movant was himself the indicted party facing genuine Fifth Amendment tension. *See* 45 F.3d at 324-26. If a stay may be denied to the accused, it certainly may be denied to a civil plaintiff who faces no self-incrimination dilemma. The need for a stay was lessened in this case where the stipulated status quo injunction left REEC in possession of the premises during trial and beyond, so proceeding to trial threatened REEC with nothing but the resolution of its own lawsuit.

Although advanced in conjunction with the stay issue in its opening brief,⁷ REEC’s challenge to the exclusion of Detective Cook is grounded in an independent, discretionary evidentiary ruling we must review separately and deferentially. *See M.C. Multi-Family Dev., LLC v. Crestdale Assocs.*, 124 Nev. 901, 913, 193 P.3d 536, 544 (2008) (providing that evidentiary rulings are reviewed for an abuse of discretion). But, in any event, REEC’s contention that these rulings amount to structural error warranting automatic reversal misapprehends that doctrine. Structural error is a narrow concept of criminal constitutional law, reserved for a very limited class of defects—such as the total deprivation of counsel, a biased judge, or the denial of a jury trial—that affect the framework within which a criminal trial proceeds and therefore defy harmless-error analysis. *See Arizona v. Fulminante*, 499 U.S. 279, 309-10 (1991) (distinguishing structural defects from ordinary trial error, which occurs during presentation of the case and may be quantitatively assessed for prejudice); *see also Neder v. United States*, 527 U.S. 1, 8 (1999) (providing that structural errors exist only in a “very limited class of cases”); *cf. Cortinas v. State*, 124 Nev. 1013, 1023-24, n.41, 195 P.3d 315, 322-23, n.41 (2008) (recognizing the trial-error/structural-error distinction and that most errors are amenable to harmless review and providing a list of structural errors recognized by the United States Supreme Court in *Johnson v. United States*, 520 U.S. 461, 468-69 (1997)).

Discretionary docket-management and witness-disclosure rulings in a civil action do not constitute structural error. Indeed, REEC cites no

⁷In its opening brief, REEC includes the exclusion of Detective Cook as a witness into the stay argument as a compounding theory: the refusal to stay, combined with excluding the investigative detective, allegedly deprived REEC of its right to present evidence, produced an incomplete record, and constituted structural error warranting automatic reversal.

authority applying structural-error principles to civil case-management or evidentiary rulings, so the contention fails for lack of relevant authority. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38. At most, REEC challenges ordinary trial rulings, and error in such rulings is not grounds for a new trial or for setting aside a verdict unless the error is inconsistent with substantial justice, a showing REEC has not made. *See Bongiovi v. Sullivan*, 122 Nev. 556, 575, 138 P.3d 433, 447 (2006); *see also Wyeth v. Rowatt*, 126 Nev. 446, 465, 244 P.3d 765, 778 (2010) (clarifying that, to establish prejudice, the movant must show that, but for the alleged error, a different result might reasonably have been reached); *Bergmann v. Boyce*, 109 Nev. 670, 676, 856 P.2d 560, 564 (1993) *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) (applying NRCP 61 harmless-error review to a district court’s misapplication of law); *cf.* NRCP 61 (stating that courts “must disregard all errors and defects that do not affect any party’s substantial rights”).

Measured against such standards, the record shows that REEC’s pretrial disclosures named only Detective Freeman. It is undisputed that REEC learned of Detective Freeman’s retirement in late January 2025, and that REEC never moved to substitute the witness or apparently, to compel his attendance, although the district court indicated it likely would have granted a substitution motion had one been made. Further, REEC made no offer of proof and does not identify on appeal what Detective Cook would have said or how his testimony would have altered the verdict. Any error would therefore be evaluated for prejudice, and little is shown. *See* NRS 47.040(1)(b) (stating that an error may not be based upon a ruling excluding evidence unless a substantial right of a party is affected and the substance of the evidence was made known to the court by the offer). REEC cites no authority from Nevada

or elsewhere applying the structural-error doctrine to a civil stay denial or a civil evidentiary exclusion, and we need not consider contentions unsupported by cogent argument or relevant authority. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38. We therefore conclude that the district court's denial of REEC's motion to stay or continue, as well as its decision to exclude Detective Cook as a witness, have not been shown to be an abuse of discretion or any other error.

The district court did not abuse its discretion in denying REEC's untimely motion to bifurcate

REEC argues that the denial of its motion to bifurcate was error because a jury does not ordinarily consider matters of contract and property law, and that under NRCP 42(b) the district court should have conducted a bench trial on the quitclaim deed issues and a separate jury trial on the fraudulent-deed claims. Respondents answer that bifurcation is discretionary as NRCP 42(b) only provides that a court “may” order separate trials and argue that REEC offers no authority demonstrating bifurcation was required. They further argue that the request was untimely, coming for the first time at calendar call after the case had been pending for approximately two years. On reply, REEC recasts the argument as structural error, contending that the failure to separate equitable ownership issues from legal claims allowed a jury to decide matters governed by settled property law.

NRCP 42(b) commits bifurcation to the district court's discretion, and untimeliness alone was a reasonable case-management ground for the denial here. *See Awada v. Shuffle Master, Inc.*, 123 Nev. 613, 618, 628, 173 P.3d 707, 710, 714 (2007) (clarifying that NRCP 42(b) gives district courts discretion to order separate trials, including of legal and equitable claims); *see also Verner v. Nev. Power Co.*, 101 Nev. 551, 554, 706 P.2d 147, 150 (1985) (holding that the movant must show bifurcation is clearly necessary to lessen

costs and expedite the litigation). Here, the case had been pending since 2022. The joint case conference report contains a defense jury demand and no bifurcation request, and the district court issued two scheduling orders without any request by the parties for separate trials. REEC first raised the issue orally at the calendar call at which the firm trial date was set, filing its written motion three days later, twenty-four days before trial, after respondents had prepared for a unified jury trial in reliance on the existing structure. Denying an eleventh-hour restructuring of the trial on those facts was not an abuse of discretion. The district court’s alternative ground that a separate bench trial was not required for the quiet title and declaratory relief claims because intertwined legal claims were also to be tried—although not stated precisely—finds support in *Verner*, which places the burden on the movant to “demonstrate that a bifurcated trial is clearly necessary” and cautions against separating intertwined issues. 101 Nev. at 554, 706 P.2d at 150. Honoring that concern, the ownership question in this matter saturated every claim and counterclaim—the forgery, slander of title, and abuse of process theories all turned on who owned what and when—so declining to split the case in two is permissible under Nevada precedent.

The authorities REEC advanced below would not have compelled a different result. *Awada* holds that the jury trial right “does not impede a court’s discretion” to sequence equitable issues ahead of legal ones. 123 Nev. at 619-20, 173 P.3d at 711. The supreme court’s holding in *Awada* did not, however, convert that judicial discretion into an entitlement for litigants to demand a bench trial at calendar call, and it reviewed even a conceded irregularity in the ordered bifurcation sequence for harmless error rather than reversing automatically. *Id.* Likewise, there is no jury right on equitable claims and the decision whether to employ an advisory jury under NRCP 39(c)

is addressed to the district court's discretion. *See Harmon v. Tanner Motor Tours of Nev., Ltd.*, 79 Nev. 4, 19-20, 377 P.2d 622, 630-31 (1963). The converse exercise of that same discretion, submitting the intertwined issues to a jury, whose allocation of the percent of ownership the court then adopted in its own judgment, is not a basis for reversal. *See id.*

To the extent REEC suggests that its equitable claims could not permissibly be resolved by a jury at all, the argument is underdeveloped on appeal—REEC cites only NRCP 42(b)—so we need not consider it. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38. But even if the argument was cogently advanced on appeal, it would not warrant reversal. First, regardless of whatever right REEC had to a bench trial on its own equitable claims, it never demanded one until calendar call. The district court expressly found the motion untimely and ordered all factual claims to proceed to the jury; that ruling was within its case-management authority. *See Maheu*, 89 Nev. at 216-17, 510 P.2d at 629. Second, the amended judgment recites that the district court itself, persuaded by the trial record, granted the nonmonetary relief allocating title ownership at 50 percent each. The court thus entered what was functionally its own judgment adopting the jury's findings, which is the posture NRCP 39(c) contemplates when a jury sits in an advisory capacity, and REEC does not argue that the court failed to exercise independent judgment in doing so. Third, REEC must demonstrate prejudice, but its only theory—that a bench trial would have reached a different result because the judge would have followed the prior orders—is speculation. The same judge presided over almost the entire case, denied summary judgment on the same arguments, and entered the judgment that REEC now challenges on appeal. We therefore conclude that, although some courts may have granted

bifurcation under similar circumstances, the denial of bifurcation in this case was within the permissible bounds of the district court's discretion.

REEC's challenges to the jury's verdict and the resulting judgment fail

REEC advances a bundle of related challenges to the verdict and judgment as entered. First, it contends that the verdict reflects jury misconduct because the jury must have failed to evaluate the evidence, believed it could override the prior court orders, and ignored REEC's submitted materials. Second, it contends that the verdict was not supported by substantial evidence because Sprewell admitted transferring a 100-percent interest by quitclaim deed and offered no evidence of retained ownership. Third, it contends that the jury impermissibly disregarded the quitclaim deeds and prior orders because, under NRS 111.205 and NRS 111.315, a quitclaim deed conveys all interest upon signing and delivery and a jury cannot split a deed or transfer an interest that no longer exists. Fourth, it contends that the jury ignored binding judicial admissions. Respondents answer that REEC identifies no specific act of misconduct, juror impropriety, or violation of instructions. They contend that nothing related to jury misconduct was raised at trial or in any post-trial motion, adding that the verdict must be upheld if supported by any credible evidence and that REEC's remaining theories are improper requests to reweigh the evidence.

Again, this court "upholds a jury verdict if there is substantial evidence to support it, but will overturn it if it was clearly wrong from all the evidence presented." *Soper*, 111 Nev. at 1294, 903 P.2d at 224; *see also Allstate*, 125 Nev. at 308, 212 P.3d at 324. Substantial evidence is that which a reasonable mind might accept as adequate to support a conclusion. *Otak Nev., LLC v. Eighth Jud. Dist. Ct.*, 129 Nev. 799, 805, 312 P.3d 491, 496 (2013). In applying that standard, this court leaves questions of credibility and

evidentiary weight to the jury, which is free to credit some testimony, discount other testimony, and resolve conflicts in the sworn accounts before it. See *Rowland v. Lepire*, 99 Nev. 308, 312, 662 P.2d 1332, 1334 (1983) (“It is the prerogative of the trier of fact to evaluate the credibility of witnesses and determine the weight of their testimony.”); see also *Quintero v. McDonald*, 116 Nev. 1181, 1184, 14 P.3d 522, 524 (2000) (declining to reweigh evidence or assess witness credibility on an appeal from a judgment on a verdict). Nor does an appellant carry its burden by pointing to evidence that could have supported a different verdict; the question is not whether the record could sustain the result the appellant preferred, but whether substantial evidence sustains the verdict the jury returned. See *Bongiovi*, 122 Nev. at 581-82, 138 P.3d at 451 (presuming the jury believed all evidence favorable to the prevailing party and drew all reasonable inferences in that party’s favor); *Las Vegas Fetish & Fantasy Halloween Ball, Inc. v. Ahern Rentals, Inc.*, 124 Nev. 272, 277 n.14, 182 P.3d 764, 767 n.14 (2008) (rejecting a substantial-evidence challenge because appellate courts are not free to reweigh evidence resolved by the factfinder); cf. *Flamingo Realty, Inc. v. Midwest Dev., Inc.*, 110 Nev. 984, 990-91, 879 P.2d 69, 73 (1994) (refusing to reweigh evidence on appeal where the factfinder’s conclusions were not clearly erroneous).

Measured against these standards, each of REEC’s contentions fails, especially as to the substantial evidence and ignored-evidence theories advanced on appeal. Critically, REEC did not include the full substantive trial testimony in the appellate record to support its positions. The only transcripts in the record are two brief excerpts: a portion of Detective Cook’s testimony in February 2025 and a partial excerpt of the return of jury verdict portion of the trial in March 2025. Neither contains the testimonial evidence presented to the jury on ownership, consideration, or the competing deeds, and neither

supports the errors REEC assigns. Because REEC, as the appellant, bears the burden of providing an adequate record, we presume that the missing portions of the trial record support the district court's judgment. *See Cuzze*, 123 Nev. at 603, 172 P.3d at 135 ("This court has previously explained that it generally cannot consider matters not contained in the record on appeal.").

In any event, respondents represented that Sprewell testified at trial that REEC never paid the agreed consideration. Sprewell's account was seemingly corroborated by his May 2023 verified interrogatory answers in this action, swearing that the 2019 conveyances were a sham executed to facilitate the former residents' eviction and that he was not paid anything. The jury also had before it the circumstances of the disputed October 2022 deed, the notary evidence, and the parties' competing accounts of who paid what over the course of several years. The jury was entitled to disbelieve Sprewell's claim to sole ownership—which it did, rejecting his bid for a 100-percent interest in the premises—and simultaneously to disbelieve that REEC completed payment for the whole of the interest in the premises. The special verdict form itself directed the jury, if it found that both parties were owners, to assess each party's percentage of ownership, and REEC assigns no error to the jury instructions or the verdict form. An equal split of ownership was, moreover, a permissible resolution on this record. The jury could credit the January 2019 recorded deed conveying a 50-percent interest, which Sprewell admits signing, and reject the September 2019 deed purporting to convey a 100-percent interest that his sworn answers contested. We may not reweigh that resolution of conflicting evidence. *See Quintero*, 116 Nev. at 1183-84, 14 P.3d at 523-24.

As to REEC's misconduct claim, it is plainly unpreserved. Nothing related to jury misconduct was raised at trial or in any post-trial motion, and REEC identifies no extrinsic influence, juror concealment, or violation of the

court's instructions; any inference REEC draws is from the verdict itself. *See Old Aztec Mine, Inc.*, 97 Nev. at 52, 623 P.2d at 983 (stating that points not raised below are forfeited). Because the jury did not resolve the case as REEC believes the prior orders required, REEC reasons that the jury must not have evaluated the evidence. That is an argument about the weight of the evidence dressed as a misconduct claim. Notably, before excusing the jury after the verdict was announced, the district court asked whether any party wished to place anything further on the record, and neither party raised any irregularity. REEC also declined the opportunity to poll the jury.

Neither NRS 111.205 nor NRS 111.315 compel a different result. Those statutes address the formalities of conveyancing and the notice effect of recording. Nothing in those sections immunizes a deed from challenge on grounds of fraud, sham, forgery, or failure of the bargained-for exchange when the deed's validity is litigated to a factfinder, and REEC cites no authority holding that a special verdict allocating ownership under the circumstances presented here is a legal impossibility. Ultimately, REEC's argument on this basis is unpersuasive on this record, most critically because the affidavit and the 2021 interrogatory answers were evidence subject to challenge and contradiction, not conclusive judicial admissions in this action as previously explained.

REEC also contends the damages awards—including the \$25,000 punitive award to Saunders—are outlandish because respondents' own conduct was wrongful. The argument, while superficially appealing, identifies no instructional error, invokes no excessiveness standard, and offers no record analysis to support a contrary result; therefore, this argument provides no basis for relief. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38.

Further, if we were to reach the argument, it appears the compensatory awards are not facially anomalous, as Nevada has long permitted attorney fees to be recovered as damages where a party is wrongfully compelled to litigate. *Cf. Pearson v. Clucas*, 89 Nev. 179, 180-81, 510 P.2d 629, 629-30 (1973) (clarifying that, under the NRCP 68 offer of judgment rule, damages in the form of attorney fees are not precluded). Respondents' abuse of process counterclaims fit within that tradition.⁸ We therefore conclude that substantial evidence supports the verdict and that REEC's challenges to the judgment entered on the verdict fail.

Having considered REEC's arguments, we conclude that the interlocutory denial of summary judgment supplies no basis for reversal and that the district court did not err in permitting respondents to contest REEC's ownership of the premises. We further conclude that the district court acted within its discretion in denying a stay or continuance and in denying bifurcation. Finally, we conclude that substantial evidence supports the jury's

⁸Separately, the district court awarded \$59,850 in attorney fees under NRS 18.010(2)(b), entered by postjudgment order after the notice of appeal was filed. No appeal was taken from this award, and it is thus not before us on appeal.

verdict and the judgment entered thereon and any irregularities do not warrant reversal.⁹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹⁰



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc Andrew Bao & Associates
Eden Law Firm
Hatfield & Associates, Ltd.
Eighth District Court, Department 24
Tierra D. Jones, Chief Judge, Eighth District Court
Hon. Stephen E. Haberfeld, Settlement Judge
The Eighth Judicial District Court of the State of Nevada, in and for the
County of Clark, District Court Clerk

⁹Both parties request monetary relief on appeal, but neither request warrants relief. REEC's opening brief separately requests approximately \$757,369.12 in expenses incurred during litigation—in substance, reimbursement of sums REEC represents it expended on Sprewell's behalf—and any further relief this court deems proper. We deny that request, as it is unsupported by relevant authority and record analysis, and is further unwarranted in light of our affirmance of the district court's determinations. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38. Respondents, for their part, ask that attorney fees and costs be assessed in their favor, but identify no basis for an award of attorney fees. Costs on appeal are governed by NRAP 39, and any request for fees must be presented by separate motion. *See NRAP 38*. We therefore decline to award fees and costs to either party as unsupported or unwarranted.

¹⁰Insofar as the parties have raised other arguments or requests 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 considered in light of our disposition.