



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHANNA SIERRA JOSEPHINE DIAZ,  
Appellant,  
vs.  
RONALD GENE MARSDEN,  
Respondent.

No. 91315-COA

*ORDER OF REVERSAL*

Johanna Sierra Josephine Diaz appeals from a post-judgment order awarding attorney fees and costs in a tort action. Eighth Judicial District Court, Clark County; Hon. Mary Kay Holthus, Judge.

Respondent Ronald Gene Marsden filed a personal injury action against Diaz, seeking monetary damages for injuries he sustained when Diaz's Jeep and Marsden's motorcycle collided while Diaz was trying to make a U-turn from southbound Nellis Boulevard onto northbound Nellis Boulevard. Following a summary judgment on liability where the district court determined that Diaz was solely at fault for the collision, the matter proceeded to jury trial solely on the issue of general damages. The jury ultimately entered judgment in Marsden's favor and awarded damages. Diaz appealed the judgment in Docket No. 89202-COA.

While the appeal of the underlying judgment was pending, Marsden sought an award of attorney fees and costs based on Diaz's rejection of prior offers of judgment. Diaz opposed and the district court subsequently entered an order awarding Marsden attorney fees and costs. Diaz then filed the present appeal. While briefing in this matter was ongoing, this court entered an order reversing the district court's summary

judgment order and necessarily reversing the jury's damages award. *Diaz v. Marsden*, No. 89202-COA, 2026 WL 1744156 (Nev. Ct. App. Jun. 16, 2026) (Order of Reversal and Remand).

Because this court previously reversed the judgment which supported the award of attorney fees and costs, we necessarily reverse the attorney fees and costs award. See *Lucky Lucy D, LLC v. LGS Casino LLC*, 139 Nev. 240, 245, 534 P.3d 689, 693 (2023) (holding that because the supreme court reversed an order granting summary judgment, it necessarily reverses an award of attorney fees and costs to the prevailing party); *Bower v. Harrah's Laughlin, Inc.*, 125 Nev. 470, 494-95, 215 P.3d 709, 726 (2009) ("[I]f we reverse the underlying decision of the district court that made the recipient of the costs the prevailing party, we will also reverse the costs award.").<sup>1</sup> Accordingly, we

ORDER the judgment of the district court REVERSED.



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Mary Kay Holthus, District Judge  
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas  
Clear Counsel Law Group

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<sup>1</sup>Since we necessarily reverse the award of attorney fees and costs, we do not address the merits of the fee award.

Eighth District Court Clerk