

IN THE SUPREME COURT OF THE STATE OF NEVADA

CHARLES W. SHIELDS,  
INDIVIDUALLY,  
Appellant,  
vs.  
VICTOR TAUGHER,  
Respondent.

No. 40450

**FILED**

OCT 05 2004

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

Appeal from a final judgment following a bench trial. Eighth Judicial District Court, Clark County; Ronald D. Parraguirre, Judge.

Charles W. Shields and Victor Taugher decided to start a business to purchase and repair airplanes and resell them at a profit. Shields formed C.H. Aircraft, Inc., a Nevada corporation, for this purpose. Shields and Taugher informally agreed that C.H. Aircraft would hire Taugher to operate the business in Sylvania, Georgia, and compensate him with salary, housing, and commission on aircraft sales. After about a month in operation, the business closed. Thereafter, Shields filed a complaint against Taugher alleging that Shields provided goods and services, aircraft rental, and consulting services to Taugher, in return for which he received no benefit. Shields also filed a mechanic's lien in Clark County, Nevada, in the amount of \$13,341.35 against an airplane owned by Taugher. Thereafter, Shields recorded notice of the lien with the Federal Aviation Administration.

Following a bench trial, the district court found in favor of Taugher, concluding that he was not liable for any expenses associated with C.H. Aircraft, and that he never used any business assets for

personal use. The district court also expunged the lien on Taugher's aircraft.

On appeal, Shields argues that the district court's judgment related to Taugher's use of C.H. Aircraft's airplane for personal use is contrary to the manifest weight of the evidence, and that the district court erred in expunging the lien.

After reviewing the record, we conclude that the district court's findings are supported by substantial evidence.<sup>1</sup> Taugher's use of C.H. Aircraft's airplane for a personal trip to Kentucky was not a breach of the parties' contract since they never agreed that Taugher would pay Shields or C.H. Aircraft for his use of the Beechcraft Bonanza airplane. In addition, Taugher was not unjustly enriched by his use of the airplane because his use was not illegal, unlawful, or morally wrong under the circumstances,<sup>2</sup> nor did his use of the airplane effectuate a savings that amounted to a business profit.<sup>3</sup> Finally, because Shields has no legal

---

<sup>1</sup>See Dewey v. Redevelopment Agency of Reno, 119 Nev. 87, 93, 64 P.3d 1070, 1075 (2003) ("A district court's factual determinations will not be set aside unless they are clearly erroneous and not supported by substantial evidence.").

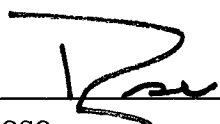
<sup>2</sup>See Schumacher v. Schumacher, 627 N.W.2d 725, 725 (Minn. Ct. App. 2001) (observing that an action for unjust enrichment requires more than one party simply benefiting from the efforts of another, but instead, to be unjust, the defendant's actions in retaining the benefit must be illegal, unlawful, or morally wrong).

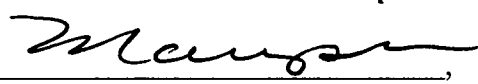
<sup>3</sup>See Cross v. Berg Lumber Co., 7 P.3d 922, 936 (Wyo. 2000) (noting that unjust enrichment occurs when a defendant uses something belonging to the plaintiff in such a way as to effectuate some kind of savings resulting in a business profit).

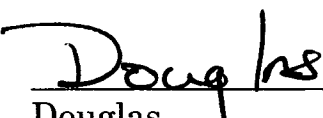
claims against Taugher, the district court properly expunged the lien on Taugher's aircraft.

Having considered Taugher's arguments and concluding they lack merit, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, J.  
Rose

  
\_\_\_\_\_, J.  
Maupin

  
\_\_\_\_\_, J.  
Douglas

cc: Hon. Ronald D. Parraguirre, District Judge  
Janalee M. Murray  
Ellis & Gordon  
Clark County Clerk