

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LEE DAVID HUSTEAD,
Appellant,
vs.
MARJORIE L. HUSTEAD,
Respondent.

No. 72478

FILED

DEC 23 2017

ORDER OF AFFIRMANCE

ELIZABETH BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

Lee David Hustead appeals from a district court order awarding attorney fees. Second Judicial District Court, Family Court Division, Washoe County; Cynthia Lu, Judge.

In the proceedings below, Lee filed a motion for sanctions. Following a hearing on the matter, the district court denied the motion and granted respondent, Marjorie Hustead, \$426.00 in reasonable attorney fees and costs. The order indicates that Marjorie was awarded fees and costs as the prevailing party and for having to respond to Lee's motion, which was filed without reasonable grounds, pursuant to NRS 18.010.

The district court may award attorney fees¹ pursuant to NRS 18.010(2)(b) if it determines there was no reasonable basis for a party's claim at the time of filing. *Rivero v. Rivero*, 125 Nev. 410, 441, 216 P.3d 213, 234 (2009). Although this court reviews a district court's award of attorney fees for an abuse of discretion, there must be evidence supporting

¹Lee does not challenge the district court's award of costs in its combined award. As a result he has waived any arguments regarding the district court's six dollar costs award. See *Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) ("Issues not raised in an appellant's opening brief are deemed waived.").

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the district court's finding that the claim was unreasonable or brought to harass. *Id.*; *Mack-Manley v. Manley*, 122 Nev. 849, 859–60, 138 P.3d 525, 532–33 (2006) (concluding that the district court may award attorney fees pursuant to NRS 18.010(2)(b) in a post-divorce action). Here, the district court concluded Lee's motion for sanctions was brought without reasonable grounds, and the record supports that finding. Therefore, we conclude that the district court did not abuse its discretion in making the challenged award.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


_____, C.J.
Silver


_____, J.
Gibbons

cc: Hon. Cynthia Lu, District Judge, Family Court Division
Lee David Husted
Surratt Law Practice, PC/Reno
Washoe District Court Clerk

²In light of this order, we deny as moot all other requests for relief currently pending in this matter.

³The Honorable Jerome Tao, Judge, voluntarily recused himself from participation in the decision of this matter.