

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ALEXANDER FALCONI,  
Appellant,  
vs.  
MONICA ANN FARRAR,  
Respondent.

No. 73469

**FILED**

APR 24 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY S. Young  
DEPUTY CLERK

*ORDER OF REVERSAL*

Alexander Falconi appeals from a district court order denying costs from a prior appeal. Second Judicial District Court, Washoe County; Bridget E. Robb, Judge.

Falconi previously appealed an award of attorney fees to respondent Monica Farrar. This court issued an order reversing the award and remanding the matter to the district court for further proceedings consistent with our order. *Falconi v. Farrar*, Docket No. 69341 (Order of Reversal and Remand, March 13, 2017). Upon remand, the district court denied Falconi costs incurred on appeal. This appeal followed.


This court reviews a district court's decision whether to award costs for an abuse of discretion. *Las Vegas Metro. Police Dep't v. Blackjack Bonding, Inc.*, 131 Nev. 80, 89, 343 P.3d 608, 614 (2015). A trial court abuses its discretion when it acts in "clear disregard of the guiding legal principles." *Id.*

Falconi argues that the district court did not have discretion to deny him costs under NRS 18.060 because he obtained the relief he sought from his prior appeal. NRS 18.060 provides that the court may only utilize discretion in considering costs on appeal where a new trial is ordered or a judgment is modified. Otherwise, "[i]n the event no order is made by the

court relative to the costs [where a new trial is ordered or a judgment is modified,] the party obtaining any relief shall have his or her costs.” NRS 18.060. Under the circumstances of the present case, the statute mandates costs to Falconi. See *Leyva v. Nat’l Default Servicing Corp.*, 127 Nev. 470, 476, 255 P.3d 1275, 1279 (2011) (noting that the word “shall” is generally regarded as mandatory); see also *Keever v. Jewelry Mountain Mines, Inc.*, 102 Nev. 174, 175-76, 717 P.2d 1117, 1118 (1986) (holding that the “mandatory requirement [in NRS 18.060] of the awarding of costs is clear, emphatic, and peremptory”). The district court’s denial of costs on appeal is contradictory to these guiding legal principles. Accordingly, we

ORDER the judgment of the district court REVERSED.

  
\_\_\_\_\_, C.J.  
Silver

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Gibbons

cc: Hon. Bridget E. Robb, District Judge  
Alexander Falconi  
Monica Ann Farrar  
Washoe District Court Clerk