

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

PAUL PAWLIK, INDIVIDUAL,
Appellant,
vs.
CITY OF LAS VEGAS, CLARK
COUNTY, NEVADA; AND SERIES 43
OF YAS LLC,
Respondents.

No. 74132

FILED

SEP 21 2018

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

ORDER OF AFFIRMANCE

Paul Pawlik appeals from district court orders granting summary judgment and denying his motion for a new trial,¹ certified as final under NRCP 54(b). Eighth Judicial District Court, Clark County; Nancy L. Allf, Judge.

At a public sale conducted pursuant to the Consolidated Local Improvements Law (NRS Chapter 271), Pawlik purchased a certificate of sale from the City of Las Vegas constituting a lien on real property owned by Elizabeth and James Blaustein.² The City sold the certificate as a means of recouping delinquent special assessments that the Blausteins owed on the property. Series 43 of YAS, LLC (YAS) later acquired a deed to the property from the Blausteins after the City accepted their redemption

¹Because no trial occurred in this case, the district court construed Pawlik's motion for a new trial as a motion to reconsider its order granting summary judgment. However, because Pawlik does not actually challenge the order denying his motion for a new trial on appeal, we need not consider it. *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.").

²We do not recount the facts except as necessary to our disposition.

payment, and Pawlik filed the underlying lawsuit seeking to quiet title to the property. The district court granted summary judgment in favor of YAS, concluding that it acquired the property as a bona fide purchaser in good faith reliance on the City's acceptance of the Blausteins' redemption payment.

In this appeal, Pawlik contends that the district court erred in granting summary judgment against him because YAS was not a bona fide purchaser under Nevada law, and also that the district court erred in awarding attorney fees to YAS.

In challenging the district court's grant of summary judgment, Pawlik advances an argument resting on three prongs, all of which must be resolved in his favor in order for him to prevail in this appeal. First, Pawlik contends that he is the true owner of the property even though he never received a deed or recorded any such ownership interest in the public record; second, he contends that YAS has no interest in the property and could not have been a bona fide purchaser because it was placed on inquiry notice that Pawlik may have had an unrecorded interest in the property; and third, he contends that the district court erred in finding that YAS was entitled to rely in good faith upon the City's acceptance of the Blausteins' redemption.

However, in advancing these three separate arguments, Pawlik's opening brief contains citations to only two authorities: namely, *Allison Steel Mfg. Co. v. Bentonite, Inc.*, 86 Nev. 494, 498, 471 P.2d 666, 668 (1970), cited for the general proposition that a party on inquiry notice is not a bona fide purchaser; and *Pasillas v. HSBC Bank USA*, 127 Nev. 462, 255 P.3d 1281, 1285 (2011), cited for the general proposition that the use of the word "shall" in a statute conveys that action is mandatory. Pawlik's reply brief includes only responsive discussion of authority cited in YAS's

answering brief in an effort to distinguish it. But this court need not consider arguments that are neither cogent nor supported by relevant authority. *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006). Therefore, we affirm the district court's grant of summary judgment.

In the briefing on this matter, Pawlik and YAS address issues related to the district court's post-judgment order awarding attorney fees to YAS. We note, however, that Pawlik did not file a notice of appeal from that order. The notice of appeal that he filed identifies only the order awarding summary judgment in favor of YAS and the order denying Pawlik's motion for a new trial. Orders awarding attorney fees and costs are independently appealable as special orders after final judgment and must be separately appealed from. See NRAP 3(c)(1)(B); NRAP 3A(b)(8); NRAP 4; *Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000). Accordingly, we do not address the award of attorney fees on appeal.

It is so ORDERED.



C.J.

Silver



J.

Tao



J.

Gibbons

cc: Hon. Nancy L. Allf, District Judge
Nathaniel J. Reed, Settlement Judge
Nogle Law PLLC
Fidelity National Law Group
Las Vegas City Attorney
Eighth District Court Clerk