

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

AVETIS AVETISYAN, AN
INDIVIDUAL; PETROS AVETISYAN,
AN INDIVIDUAL; AND LIFETRANS,
INC., A NEVADA CORPORATION,
Appellants,
vs.
GAM INVESTMENTS, INC., A
CALIFORNIA CORPORATION,
Respondent.

No. 84422-COA

FILED

FEB 28 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

*ORDER AFFIRMING IN PART,
REVERSING IN PART, AND REMANDING*

Appellants appeal from a final judgment, following a bench trial, in an action involving breach of contract and related claims. Eighth Judicial District Court, Clark County; Nancy L. Allf, Judge.

The underlying matter arose from a failed agreement for the purchase of a portion of ownership in appellant Lifetrans, Inc. (which is primarily owned by appellant Avetis Avetisyan, with appellant Petros Avetisyan also holding an ownership interest) by respondent GAM Investments, Inc., which was a company formed by Harout Barghoutain for the purpose of this transaction. The present appeal is limited to the issue of whether sufficient evidence supported the district court's award of damages to GAM Investments in the amount of \$16,000 for expenses incurred by Barghoutain for travel to Las Vegas related to work with Lifetrans. The district court based the award on a finding of 8 weeks of travel and reimbursement in the amount of \$2,000 per week. Appellants challenge both of these determinations, arguing there was insufficient evidence to support them.

GAM bore the burden as plaintiff to prove damages, and while damages need not be proven with “mathematical exactitude, . . . there must be an evidentiary basis for determining a reasonably accurate amount of damages.” *Mort Wallin of Lake Tahoe, Inc. v. Com. Cabinet Co.*, 105 Nev. 855, 857, 784 P.2d 954, 955 (1989). “The district court has ‘wide discretion in calculating an award of damages, and this award will not be disturbed on appeal absent an abuse of discretion.’” *Frantz v. Johnson*, 116 Nev. 455, 469, 999 P.2d 351, 360 (2000) (quoting *Diamond Enters., Inc. v. Lau*, 113 Nev. 1376, 1379, 951 P.2d 73, 74 (1997)).

During the bench trial, no documentary evidence was presented to support the travel expenses incurred. The evidence was limited to testimony by Barghoutain, Petros, and Avetis. The parties gave conflicting testimony as to how often Barghoutain travelled to Las Vegas, with Barghoutain testifying of up to 13 months of travel, while Petros and Avetis testified of an amount in the range of 6-8 weeks of travel. The district court used 8 weeks and we conclude there is sufficient evidence to support this amount based on the testimony provided.

As to the amount of expenses incurred, Barghoutain testified that he incurred approximately \$2,600 per month. Appellants did not provide any testimony as to amounts incurred; their testimony was largely limited to stating that Barghoutain used comps from casinos for his expenses. The district court awarded an amount of \$2,000 per week, but did not provide any explanation or findings to support this amount. Based on the evidence provided, we conclude that there was not sufficient evidence to support the amount of \$2,000 per week. Barghoutain’s own testimony provided for at most \$2,600 per month, while the district court’s amount would equate to approximately \$8,000 per month. As such, the district

court abused its discretion in the amount of damages awarded. Accordingly,
we

ORDER the judgment of the district court AFFIRMED IN
PART AND REVERSED IN PART AND REMAND this matter to the
district court for proceedings consistent with this order.


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Chief Judge – Eighth Judicial District Court
Eighth Judicial District Court – Dept. 27
Stephen E. Haberfeld, Settlement Judge
Hyperion Advisors
Mark A. James
Chattah Law Group
Eighth District Court Clerk