

IN THE SUPREME COURT OF THE STATE OF NEVADA

ZAR ZANGANEH, AN INDIVIDUAL
AND LUXE ESTATES & LIFESTYLES,
LLC, A NEVADA LIMITED LIABILITY
COMPANY,

Appellants,

vs.

ASPEN VOLUNTEER PROPERTIES,
LLC, A NEVADA LIMITED LIABILITY
COMPANY; AND TOM STULL, AN
INDIVIDUAL,

Respondents.

No. 88697

FILED

JUN 03 2025

ELIZABETH A. BRC
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court judgment, entered upon a jury verdict, in an action asserting statutory violations and tort claims. Eighth Judicial District Court, Clark County; Jacob A. Reynolds, Judge.

On appeal, appellants challenge only the district court's pre-trial order denying their motion for summary judgment on respondents' fraud claim, arguing that they were entitled to judgment as a matter of law on that claim. Aside from the fraud claim, the jury's special verdict indicated the jury found appellant Zar Zanganeh liable on the claim for statutory violations and appellant LUXE Estates & Lifestyles, LLC, liable on the claims for breach of fiduciary duty and negligent misrepresentation. Based on these findings, the jury awarded \$1,623,735 in compensatory damages.

As the Second Circuit Court of Appeals has observed,

Whether or not a defendant is liable to a plaintiff under one or many theories of liability does not affect the damages award because the amount of compensatory damages awarded is not dependent on the number of theories that plaintiff alleges and under which it may recover. Rather, the amount of damages depends on the extent of the injury suffered.

Bingham v. Zolt, 66 F.3d 553, 564 (2d Cir. 1995) (affirming a jury's damages award, despite the dismissal of certain claims, because each claim presented an alternative theory of liability supporting the damages). Nevada appellate courts have summarily affirmed under similar circumstances. For example, this court concluded that it must affirm a summary judgment because, on appeal, appellant challenged just one of the district court's two grounds for granting summary judgment. *5312 La Quinta Hills, LLC v. BAC Home Loans Servicing, LP*, No. 71069, 2018 WL 3025927 at *1 (Nev. June 15, 2018) (Order of Affirmance). And in *Hung v. Berhad*, the Nevada Court of Appeals affirmed a district court dismissal order, observing that "the failure to properly challenge each of the district court's independent alternative grounds leaves them unchallenged and therefore intact, which results in a waiver of any assignment of error as to any of the independent alternative grounds." 138 Nev. 547, 550, 513 P.3d 1285, 1288 (Ct. App. 2022).

The logic and reasoning of these cases applies equally here. Even absent the fraud claim, respondents are entitled to recover their full measure of compensatory damages because each of the four claims presented alternate theories of liability based on the same set of operative facts and the same injury caused by the same defendants.

We therefore,

ORDER the judgment of the district court AFFIRMED.

Pickering, J.
Pickering

Cadish, J.
Cadish

Lee, J.
Lee

cc: Hon. Jacob A. Reynolds, District Judge
Stephen E. Haberfeld, Settlement Judge
Hall Jaffe & Clayton, LLP
Sylvester & Polednak, Ltd.
Eighth District Court Clerk