IN THE SUPREME COURT OF
THE STATE OF NEVADA

AARON L. KATZ, Appellant, vs. INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, A GENERAL IMPROVEMENT DISTRICT, Respondent.	No. 71493

ORDER OF AFFIRMANCE

(Filed Nov. 21, 2019)

This is an appeal from a postjudgment order awarding attorney fees and costs. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.

Appellant Aaron Katz sued respondent Incline Village General Improvement District (IVGID), seeking to invalidate various actions IVGID took between 2011 and 2014 on the basis that IVGID was abusing its statutory power. The district court adjudicated all of Katz's claims in favor of IVGID, and this court affirmed the district court's orders on appeal. *See Katz v. Incline Village Gen. Improvement Dist.*, Docket No. 70440 (Order of Affirmance, Feb. 26, 2018). Katz now challenges the district court's postjudgment order

awarding IVGID attorney fees and costs under NRS 18.010(2)(b). We affirm.[1]

Whether First Amendment principles apply

Katz first argues that because he sued a government entity and his lawsuit served the public, First Amendment principles apply to immunize him from liability for attorney fees. To the extent that Katz is asking this court to extend the *Noerr-Pennington* doctrine, which immunizes petitioning activity in the antitrust context, to the award of attorney fees here, we decline. *See United Mine Workers of Am. v. Pennington*, 381 U.S. 657, 664-65 (1965); *E. R.R. Presidents Conference v. Noerr Motor Freight, Inc.*, 365 U.S. 127, 144 (1961) (providing that legitimate petitioning activity intended to influence the government is immune from civil liability, even if it has anticompetitive effects, so long as it is not "a mere sham" to interfere with a competitor's business). Liability for attorney fees to a prevailing party is not the same as civil liability for filing a lawsuit. *See Vargas v. City of Salinas*, 134 Cal. Rptr. 3d 244, 254 (Ct. App. 2011) (explaining that "fee shifting is not civil liability within the meaning of the *Noerr-Pennington* doctrine"); *see also Premier Elec.*

[1] In this disposition, we have attempted to address all of Katz's arguments that are cogently presented, supported by relevant legal authority, and properly raised in district court. *See Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987); *Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981). To the extent that this disposition does not specifically address additional arguments that Katz raises, we have determined that those additional arguments do not warrant reversal.

Constr. Co. v. Nat'l Elec. Contractors Ass'n, Inc., 814 F.2d 358, 373 (7th Cir. 1987) (characterizing "the proposition that the first amendment . . . has anything to say about fee-shifting statutes" as "too farfetched to require extended analysis").

Further, we are not persuaded that NRS 18.010(2)(b) violates Katz's First Amendment right to petition the government. It merely requires that Katz bear the costs incurred in exercising his rights. *Premier Elec. Constr. Co.*, 814 F.2d at 373 (reasoning that requiring the party responsible for creating the fees to pay those fees "is no more a violation of the first amendment than is a requirement that a person who wants to publish a newspaper pay for the ink, the paper, and the press"). Furthermore, Katz has failed to establish that his claims are protected speech and thereby entitled to absolute immunity under the First Amendment. *See Bill Johnson's Rests., Inc. v. NLRB*, 461 U.S. 731, 743 (1983) (recognizing that the First Amendment protects the right to petition the government, but holding that "baseless litigation is not immunized by the First Amendment right to petition"); *Vargas*, 134 Cal. Rptr. 3d at 258 (upholding California's fee-shifting statute and explaining that the right to petition the government does not entitle a party to clog the courts and impair everyone else's right to justice). We therefore decline to apply First Amendment principles in the context of a postjudgment award of attorney fees under NRS 18.010(2)(b).

Whether Nevada's anti-SLAPP statutes apply

Katz also argues that he is entitled to immunity under Nevada's anti-SLAPP statutes. We disagree. Nevada's anti-SLAPP statutes provide a procedural mechanism for parties to seek dismissal of meritless lawsuits that chill free speech "before incurring the costs of litigation." *Coker v. Sassone*, 135 Nev., Adv. Op. 2, 432 P.3d 746, 748 (2019). IVGID's postjudgment motion for attorney fees is not a meritless lawsuit for anti-SLAPP purposes. Even if it were, Katz did not file a special motion to dismiss IVGID's motion for attorney fees and costs. *See* NRS 41.660 (requiring that a litigant file the motion within 60 days after service of the complaint and creating a two-pronged burden-shifting framework to guide district courts in determining whether dismissal is warranted). Nor did he satisfy his burden under the first prong of the anti-SLAPP analysis. *See* NRS 41.660(3)(a) (requiring the moving party to establish that the claim was "based upon a good faith communication in furtherance of the right to petition or the right to free speech"); NRS 41.637 (defining a "good faith communication" as one that "is truthful or is made without knowledge of its falsehood"). Katz is therefore not entitled to immunity under Nevada's anti-SLAPP statutes.[2]

---

[2] Accordingly, we also conclude that Katz is not entitled to attorney fees under NRS 41.670, which authorizes the court to award attorney fees to a party who prevails on an anti-SLAPP special motion to dismiss.

Whether the district court abused its discretion in awarding IVGID attorney fees and cost under NRS 18.010(2)(b)

IVGID moved for attorney fees and costs under NRS 18.010(2)(b), which authorizes a court to award attorney fees to a prevailing party when it finds that a party "brought or maintained [a claim] without reasonable ground or to harass the prevailing party." The district court granted IVGID's request, finding that Katz's lawsuit was baseless, unreasonable, and brought to harass IVGID. Katz now argues that the district court abused its discretion because he did not harass IVGID within the meaning of NRS 18.010(2)(b), his claims were not frivolous because they were complex issues of first impression, and at least one of his claims had merit because it survived multiple pretrial motions and proceeded to trial.[3]

This court reviews a district court's decision to award attorney fees for an abuse of discretion.[4] *See Gunderson v. D.R. Horton, Inc.*, 130 Nev. 67, 80, 319 P.3d 606, 615 (2014). Here, we discern no abuse of discretion because the record supports the district court's findings and the district court did not base its decision

---

[3] Katz makes various other arguments challenging the district court's award of attorney fees, but we conclude that these arguments are either waived, nonresponsive, unsupported by relevant legal authority, or incoherent, and decline to address them individually.

[4] Because we conclude that neither First Amendment principles nor Nevada's anti-SLAPP statutes apply here, we decline Katz's invitation to apply a "baseless litigation" or de novo standard of review.

on an erroneous view of the law. *See Bergmann v. Boyce*, 109 Nev. 670, 674, 856 P.2d 560, 563 (1993) (explaining that a district court abuses its discretion when it bases its decision on an erroneous view of the law or clearly disregards guiding legal principles), *superseded by statute on other grounds as stated in In re DISH Network Derivative Litig.*, 133 Nev. 438, 451 n.6, 401 P.3d 1081, 1093 n.6 (2017).

The record supports the district court's findings that Katz's lawsuit was baseless and unreasonable. The district court dismissed all but 1 of Katz's 24 claims through a series of orders that we affirmed. Katz argues that because one of his claims survived multiple pretrial motions and proceeded to trial, his lawsuit had merit. That 1 of his claims survived summary adjudication, however, does not excuse his 23 groundless claims. *See Bergmann*, 109 Nev. at 675, 856 P.2d at 563 ("The prosecution of one colorable claim does not excuse the prosecution of five groundless claims."). Regardless, it became abundantly clear at trial that Katz's sole remaining claim was likewise frivolous, as "IVGID had made every effort to accommodate Mr. Katz's numerous requests for documents" and "the only records not turned over to Mr. Katz either did not exist, or were privileged (as IVGID had always claimed)."[5]

---

[5] Katz argues that his claims were not frivolous because they were complex and involved issues of first impression, but these attributes are not mutually exclusive—a claim can be both complex and original, but frivolous nonetheless.

The record also supports the district court's determination that Katz brought and maintained his lawsuit to harass IVGID. Throughout the years-long proceeding, Katz filed multiple motions to amend his complaint to add more claims against IVGID. His pleadings were nonresponsive and late, exceeded the page limit, included an avalanche of exhibits that were often duplicative, and sought to pursue actions that the court had expressly prohibited. His extensive public records requests continued up until the eve of trial, despite IVGID making every effort to accommodate Katz's requests.

We therefore conclude that the district court, having determined that Katz's lawsuit was frivolous, did not abuse its discretion when it awarded attorney fees and costs. *See* NRS 18.010(2)(b) (permitting courts to award attorney fees and requiring courts to liberally construe the statute "to punish for and deter frivolous or vexatious claims").

Whether the amount of attorney fees and costs was reasonable

The district court awarded IVGID $226,466.80 in attorney fees and $2,925.95 in costs. When awarding attorney fees, the district court must consider the factors this court provided in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 455 P.2d 31 (1969). *See Shuette v. Beazer Homes Holdings Corp.*, 121 Nev. 837, 865, 124 P.3d 530, 549 (2005) (observing that courts must consider the *Brunzell* factors when determining

the amount of fees to award, even though courts are granted a wide range of discretion in determining the amount). These factors are: (1) the quality of the advocate; (2) the character of the work, e.g., its difficulty, importance, etc.; (3) the work actually performed by the advocate; and (4) the result. *Brunzell*, 85 Nev. at 349, 455 P.2d at 33.

Katz focuses exclusively on the third factor—the work actually performed—and argues that IVGID's redactions to the billing statements made it impossible to evaluate the services rendered and that IVGID's attorney bills were not specific enough. In district court, he only challenged IVGID's redactions to Scott Brooke's (IVGID's in-house counsel) memorandum of fees, so we limit our review to these redactions only.[6] *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) ("A point not urged in the trial court, unless it goes to the jurisdiction of that court, is deemed to have been waived and will not be considered on appeal.").

We agree that the redactions to Brooke's memorandum of fees make it difficult to evaluate the services he rendered and the fees IVGID incurred for his services. Nonetheless, we conclude that the district court relied on sufficient evidence to calculate a reasonable amount for Brooke's services. *See O'Connell v. Wynn Las Vegas, LLC*, 134 Nev. 550, 557-58, 429 P.3d

[6] Nonetheless, it appears that the rest of IVGID's billing statements are comprehensive and the redactions likely did not impair Katz's ability to dispute the expenses or the district court's ability to review them.

664, 670 (Ct. App. 2018) (holding that billing records are not required to support an award of attorney fees so long as the court can calculate a reasonable fee); *see also Shuette*, 121 Nev. at 864, 124 P.3d at 549 (emphasizing that "in determining the amount of fees to award, the court is not limited to one specific approach").

Specifically, the district court relied on a sworn statement from IVGID's attorney of record, Thomas P. Beko, that "Brooke's involvement was necessary to the defense of this matter, and the fees he charged are believed by Affiant to be reasonable and necessary in his capacity of official attorney for [IVGID]." The district court also relied on its familiarity with the lawyers involved in the litigation and the quality of their work. We have previously upheld awards of attorney fees based on similar evidence. *See*, *e.g.*, *Herbst v. Humana Health Ins. of Nev., Inc.*, 105 Nev. 586, 591, 781 P.2d 762, 765 (1989) (holding that an affidavit documenting the hours of work performed, the length of litigation, and the number of volumes of appendices on appeal was sufficient evidence to enable the court to make a reasonable determination of attorney fees, even in the absence of a detailed billing statement); *Cooke v. Gove*, 61 Nev. 55, 57, 114 P.2d 87, 88 (1941) (upholding an award of attorney fees based on, among other evidence, two depositions from attorneys testifying about the value of the services rendered). We therefore conclude that the district court did not abuse its discretion when it awarded IVGID attorney fees for Brooke's services,

even though IVGID did not provide a detailed breakdown of Brooke's fees.[7]

Katz also argues that the district court abused its discretion in awarding costs because IVGID's verified memorandum of costs was insufficient. District courts have broad discretion to award costs. *Cadle Co. v. Woods & Erickson, LLP*, 131 Nev. 114, 120, 345 P.3d 1049, 1054 (2015). Before awarding costs, however, a court must determine that the costs were reasonable, necessary, and actually incurred. *Id.* Katz's primary argument on appeal is that IVGID failed to explain that its costs were "necessarily incurred." In support of its request for costs, however, IVGID listed every cost it incurred and attached receipts and documentation (including receipts for the clerk's fees, court reporter fees, photocopies, postage, and other necessary expenses, like transcription of IVGID's utility rate meetings). Although IVGID did not explicitly state that the costs were "necessarily incurred" in its motion for fees and costs, it stated that it submitted its motion "pursuant to NRS Chapter 18." To the extent that this statutory reference is insufficient, we conclude that IVGID cured any defect in its opposition to Katz's motion to retax costs by thoroughly explaining how each cost was

[7] We also conclude that IVGID presented sufficient evidence to establish that Brooke worked directly on this litigation. Brooke's memorandum of fees identifies the case name (Katz v. IVGID) and the fees incurred ($45,070.80). Further, IVGID provided billing statements from Beko's law firm, Erickson, Thorpe & Swainston, LTD., that document phone calls and email correspondence between firm attorneys and Brooke during the course of the Katz litigation.

necessary. Further, we conclude that Katz, by failing to provide relevant legal authority, has failed to demonstrate that the district court abused its discretion in reviewing these explanations (which IVGID provided after it filed its verified memorandum of costs).

We therefore conclude that the district court did not abuse its discretion when it awarded IVGID $226,466.80 in attorney fees and $2,925.95 in costs, and therefore affirm the district court's order.

It is so ORDERED.

/s/ Pickering, J.
Pickering

/s/ Parraguirre, J.
Parraguirre

/s/ Cadish, J.
Cadish

cc: Chief Judge, Second Judicial District
Margaret M. Crowley, Settlement Judge
Richard F. Cornell
Erickson Thorpe & Swainston, Ltd.
Washoe District Court Clerk

IN THE SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA IN AND
FOR THE COUNTY OF WASHOE

AARON L. KATZ,

Plaintiff,

vs.

INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, et al.,

Defendant.
/

Case No.: CV11-01380

Dept. No.: 7

ORDER

(Filed Jul. 15, 2016)

Procedural History

After five years of ponderous pleadings, this court finally held a bench trial and entered its Judgment against Plaintiff Katz and in favor of Defendant Incline Village General Improvement District ("IVGID"). Defendant has filed a *Verified Memorandum of Costs* and a *Motion for Attorney's Fees.* Katz filed his *Opposition* to the award of costs and attorneys' fees. IVGID filed its *Reply* to Katz's *Opposition* and submitted the matter for decision.

Katz has filed a *Motion to Retax and Settle Defendant IVGID's Claimed Costs.* IVGID filed its *Opposition* thereto, and this *Order* follows.

Argument

Incline Village General Improvement District (IVGID), is asking this court to award them their attorney's fees expended in defense against the claims brought by their resident 'watchdog,' Aaron Katz. IVGID contends that Katz's claims were brought in bad faith and were frivolous, harassing, and vexatious. Consequently, IVGID seeks their attorney's fees under NRS 18.010(2)(b). The first step in this analysis is to determine the court's authority to assess attorneys' fees against a losing litigant. The court turns to the statute itself.

Applicable Law

In view of the well-established "American Rule" generally denying the allowance of attorneys' fees in the absence of statute, rule or contract, courts have often stated that statutory attorneys' fees may be awarded only when expressly, explicitly or specifically authorized by statute. In Nevada, NRS 18.010(2)(b) allows a district court to award attorney fees to a prevailing party when it finds that the opposing party brought or maintained a claim without reasonable grounds.[1] To determine whether a claim was maintained without reasonable grounds, the court inquires whether the claim was supported by any credible

---

[1] *See also*, *Rodriguez v. Primadonna Co., LLC*, 125 Nev. 578, 588, 216 P.3d 793, 800 (2009).

evidence.[2] In this case, Mr. Katz produced no credible evidence to support the claims he made, evidence by the fact that virtually every claim was dismissed before trial. Indeed, the evidence at trial demonstrated that Katz's records requests were designed to harass and distract the employees of IVGID which impeded their ability to serve the community at large.

In construing the provisions of a statute, a court must first analyze its language to determine whether its meaning is plain.[3] "The preeminent canon of statutory interpretation requires us to presume that the legislature says in a statute what it means and means in a statute what is says there. Thus, our inquiry begins with the statutory text, and ends there as well if the text is unambiguous."[4]

NRS 18.010(2)(b) directs courts to "liberally construe [it] in favor of awarding attorney's fees in all appropriate situations." The Nevada Legislature's clear intent to award attorney's fees is "to punish for and deter frivolous or vexatious claims and defenses because such claims and defenses overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public." This

---

[2] *Allianz Ins. Co. v. Gagnon*, 109 Nev. 990, 860 P.2d 720 (1993)

[3] *Satterfield v. Simon & Schuster, Inc.*, 569 F.3d 946, 951 (9th Cir. 2009) (citing *McDonald v. Sun Oil Co.*, 548 F.3d 774, 780, (9th Cir. 2008)).

[4] *Id.* at 951 (internal alteration omitted) (quoting *BedRoc Ltd., LLC v. U.S.*, 541 U.S. 176, 183, 124 S. Ct. 1587, (2004)).

language is unambiguous. Based upon this clear grant of authority, we have examined the merits of this suit and found none.

Analysis

This litigation stemmed from Mr. Katz's frustration with paying IVGID's annual $800 recreation fee. To savor the nature of Mr. Katz's suit one can look to this court's prescient *Order* of May 10, 2014 recounting this suit's journey through a *Complaint*, an *Amended Complaint*, an *Amendment to Amended Complaint* to finally reach the *Second Supplemental Amendment to Amended Complaint* wherein he wished to add a 25th cause of action in direct contravention of this court's express *Order*.[5] After briefing and argument, this court granted summary judgment on claims 1-11, 6, 15, and 17. Plaintiff dismissed his 16th, and the court dismissed all remaining claims save on half of the 12th cause of action. Most telling, rather than incurring the expense of hiring an attorney to represent the Trust in whose name this suit was originally brought, Mr. Katz dismissed that cause of action (the 16th).

---

[5] "There was nothing opaque about this *Order*. While this court has allowed Plaintiff to amend his pleadings with caution (and some concern), this Plaintiff has conflated accommodations with abuse. Such continuing abuse of this court's scant judicial resources is inexcusable. In this litigation, Plaintiff has displayed a history of multiple filings which has caused needless expense to the other parties and has posed a burden on this court. . . . Plaintiff's filings call into question his motives in pursuing this litigation." *Order*, 4/10/14, p.3.

For purposes of NRS 18.010(2)(3), a claim is frivolous or groundless if there is no credible evidence to support it. A frivolous claim is one that is "both baseless and made without a reasonable and competent inquiry."[6] Clearly, this entire suit was a pretext for Mr. Katz' to obstruct and impede IVGID's operation to the detriment of thousands of other residents. Considering that only one-half of one of the 24 causes of action survived summary adjudication and the remaining claim was dismissed, it is evident this suit was a clear abuse of the judicial system.[7] The decision to award attorney fees as a sanction against a party for pursuing a claim without reasonable ground is within the district court's sound discretion.[8] This is such a case.

In this case, Mr. Katz brought a claim against IVGID alleging that they suppressed, evaded, and refused to produce certain requested documents that had previously been requested by Mr. Katz. Mr. Katz was left with one half of one cause of action by the time this matter came to trial. Specifically, Mr. Katz raised questions about whether certain documents he requested were confidential or privileged, and therefore should have been provided to him under the Nevada Public Records Act.

---

[6] *Townsend v. Holman Consulting Corp.*, 929 F.2d 1358, 1362 (9th Cir.1990); *Bergmann v. Boyce*, 109 Nev. 670, 676, 856 P.2d 560, 564 (1993).

[7] *Semenza v. Caughlin Crafted Homes*, 111 Nev. 1089, 1095, 901 P.2d 684, 687 (1995).

[8] *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 130 P.3d 1280 (2006).

Prior to trial, Mr. Katz continuously evaded, avoided and ignored this court's rules and orders. His filings were untimely, repetitive, burdened with an avalanche of exhibits, often duplicative, and rarely supported by case law or good faith arguments. At trial, it became abundantly clear that IVGID had made every effort to accommodate Mr. Katz's numerous request for documents. This court specifically found that IVGID "responded to Katz's requests with due diligence, completeness and in good faith." Mr. Katz often requested documents that did not exist or were not public records. Mr. Katz insisted that IVGID provide him unlimited access to their computers so he could search their data banks with the assistance of an IVGID employee when he needed it.

Nevada public records laws do not require entities to fabricate records in order to satisfy a records request. Nor is there any support for Mr. Katz's argument that he is entitled to use IVGID equipment and employees as his own. At trial it was established that the only records not turned over to Mr. Katz either did not exist, or were privileged (as IVGID had always claimed). As a result, this court now finds that Mr. Katz's claims were baseless and unreasonable. Thus, an award of attorney's fees is warranted under NRS 18.010(2)(b).

In deciding the reasonableness of these fees, this court must apply the four factors announced in *Brunzell v. Golden Gate Nat. Bank*.[9] Those factors are:

---

[9] 85 Nev. 345, 455 P.2d 31 (1969).

"(1) the qualities of the advocate: his ability, his training, education, experience, professional standing and skill; (2) the character of the work to be done: its difficulty, its intricacy, its importance, time and skill required, the responsibility imposed and the prominence and character of the parties where they affect the importance of the litigation; (3) the work actually performed by the lawyer: the skill, time and attention given to the work; (4) the result: whether the attorney was successful and what benefits were derived."

In reaching a decision to award attorney's fees in this case, this court has also considered:

- This case has been needlessly pending for five years, largely due to Mr. Katz's penchant for filing multiple amendments to his pleadings.
- Mr. Katz originally filed 14 separate causes of action, expanding to 24 causes of action with all but one half of one claim being dismissed before trial.
- At trial, IVGID executive assistant district clerk, Susan Herron, testified that she spends a large majority of her time responding solely to records requests made by Mr. Katz.
- Mr. Katz continued to pester Ms. Herron with burdensome record requests during the course of this two-day bench trial.
- This court has previously held, in an *Order* filed April 10, 2014, that Mr. Katz abused the judicial resources of this court by disregarding the rules of civil procedure and using

improper dilatory tactics designed to obstruct the operation of IVGID.

- Mr. Katz appears to have a history of filing lawsuits (which are usually dismissed for failure to follow procedural rules), against government entities with the goal of not paying a certain fee or tax.[10]

It appears to this court that Mr. Katz is under the dubious impression that simply having the ability to make a public records request entitles him to treat the employees of IVGID as his own. This court has read the email Mr. Katz sent to Susan Herron on March 21, 2016,[11] and is frankly appalled by its tone.

On the eve of this court's ruling in this matter, Mr. Katz found it necessary to scold Ms. Herron for not cooperating fully (at least in Mr. Katz's mind), with his latest records request. Additionally, this court has reviewed Mr. Katz's written statement to the IVGID Board of Trustees' in response to this court's ruling.[12] This statement reveals an unfounded sense of entitlement that goes far beyond the bounds of what the Nevada public records laws allow for, and further

---

[10] *See*, *Katz v. Mountain View-Whisman Sch. Dist.*, No. H029307, 2006 WL 3293747 (Cal. Ct. App. Nov. 14, 2006); *Katz v. Campbell Union High Sch. Dist.*, 144 Cal. App. 4th 1024, 50 Cal. Rptr. 3d 839 (2006).

[11] Attached as Exhibit 6 to Defendant's *Motion for Attorney's Fees*.

[12] Attached as Exhibit 7 to Defendant's *Motion for Attorney's Fees*.

illustrates Mr. Katz's contempt for both this court and the orderly operation of IVGID.

While Mr. Katz may fancy himself a community watchdog, his actions, taken as a whole, lead this court to one undeniable conclusion: this was a frivolous lawsuit. NRS 18.010(2)(b) was designed precisely for these matters "because such claims [. . .] overburden limited judicial resources, hinder the timely resolution of meritorious claims and increase the costs of engaging in business and providing professional services to the public."[13]

What began as a quest by Mr. Katz to invalidate the $800 recreation fee he was required to pay as a resident of Incline Village, morphed into an obsession with obstructing the staff of IVGID with burdensome records requests and contentious litigation. Neither courts nor the laws of Nevada exist so that those who detest their local governments can bully them into submission. At some point, these actions must come to an end. That point has now been reached.

This court then turns to an analysis of the reasonableness of the attorney fee award using the factors set forth in *Brunzell v. Golden Gate National Bank*.[14] These factors are all met in this case. This court has reviewed the *Affidavit of Counsel*, billing records, and the other exhibits attached to the *Motion for Attorney's Fees* and *Verified Memorandum of Costs*. This court has

---

[13] NRS 18.010(2)(b).

[14] 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

presided over this litigation and is familiar with these lawyers and the quality of their work. In reaching its determination of the amount of fees to be awarded, this court has considered the *Brunzell* factors, as well as the stated intent of the Nevada legislature in enacting NRS 18.010(2)(b). Accordingly, this court finds the attorneys' fees charged and costs expended by IVGID to be both reasonable and justified.

CONCLUSION

Therefore, for the forgoing reasons, **IT IS HEREBY ORDERED** that:

1. Plaintiff's *Motion to Retax and Settle Defendant IVGID's Claimed Costs is* **DENIED**.
2. Defendant's *Motion for Attorney's Fees* is **GRANTED**.
3. Defendant is awarded its attorneys' fees in the amount of **$226,466.80**
4. Defendant is awarded its costs in the amount of **$2,925.95**

IT IS SO ORDERED.

DATED this 15 day of July, 2016.

/s/ Patrick Flanaga
PATRICK FLANAGA
District Judge

IN THE SUPREME COURT OF
THE STATE OF NEVADA

AARON L. KATZ, Appellant, vs. INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT, A GENERAL IMPROVEMENT DISTRICT, Respondent.	No. 71493

ORDER DENYING EN BANC RECONSIDERATION

(Filed Mar. 4, 2020)

Having considered the petition on file herein, we concluded that en banc reconsideration is not warranted. NRAP Accordingly, we

ORDER the petition DENIED.

/s/ Pickering, C.J.
Pickering

/s/ Gibbons, J.
Gibbons

/s/ Hardesty, J.
Hardesty

/s/ Parraguirre, J.
Parraguirre

/s/ Stiglich, J.
Stiglich

/s/ Cadish, J.
Cadish

/s/ Silver, J.
Silver

cc: Hon. Egan K. Walker, District Judge
Richard F. Cornell
Erickson Thorpe & Swainston, Ltd.
Washoe District Court Clerk