

SUPREME COURT OF NEVADA

Bour Enterprises, LLC v. 4520 Arville C/W 83099

Bour Enters. · No. 82699; consolidated with 83099 · Decided September 16, 2022

SUMMARY

The Supreme Court of Nevada affirmed the district court's judgment in Docket No. 82699. It also affirmed the attorney fees and costs award in Docket No. 83099 because the appellants' challenge to that award depended solely on reversal of the underlying judgment.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Mark Gibbons, Senior Justice
JURISDICTION	Nevada
DECIDED	September 16, 2022
DOCKET	82699; consolidated with 83099
DISPOSITION	affirmed
PROCEDURAL POSTURE	Consolidated civil appeals from the Clark County Eighth Judicial District Court. The Nevada Supreme Court affirmed the district court's judgment in Docket No. 82699 and affirmed the attorney-fee and costs award in Docket No. 83099.
PRECEDENTIAL VALUE	Published
PARTIES	Bour Enterprises, LLC, Hilena Mengesha, Mulugeta Bour v. 4520 Arville, McKinley Manor

TOPICS

[appellate procedure](#)[attorney fees](#)[costs](#)[commercial litigation](#)[civil procedure](#)

PRACTICE AREAS

[civil procedure](#)[commercial litigation](#)[appellate procedure](#)[attorney fees](#)[costs](#)

QUESTIONS PRESENTED

1. Whether the district court judgment in Docket No. 82699 should be reversed.

2. Whether the related attorney-fee and costs award in Docket No. 83099 should be reversed when the challenge to that award was premised solely on reversal of the underlying judgment.

HOLDINGS

1. The district court's judgment in Docket No. 82699 was affirmed.
2. The attorney-fee and costs award was affirmed because appellants' challenge to that award was premised solely on the propriety of the judgment in Docket No. 82699, which the court affirmed.

KEY QUOTATIONS

“We affirm the district court's judgment in Docket No. 82699. And because appellants' argument for reversing the attorney fees and costs award in Docket No. 83099 is premised solely on the propriety of the judgment challenged in Docket No. 82699, we necessarily affirm that award as well.”

FACTUAL BACKGROUND

The available text identifies an underlying district court judgment and a related award of attorney fees and costs involving Bour Enterprises, LLC, Hilena Mengesha, Mulugeta Bour, 4520 Arville, and McKinley Manor. The appellants challenged the judgment in Docket No. 82699 and the attorney-fee and costs award in Docket No. 83099. The fee-and-costs challenge depended entirely on reversal of the underlying judgment.

PROCEDURAL HISTORY

Appellants appealed from a district court judgment and a related award of attorney fees and costs. The Nevada Supreme Court consolidated Docket Nos. 82699 and 83099 under NRAP 3(b)(2), reviewed the appeals after briefing was completed, and issued an order of affirmance.

DISPOSITION

affirmed

OPINION

PER CURIAM.

82699: Case View Nevada Appellate Courts Appellate Case Management System C-Track, the browser based CMS for Appellate Courts Case Search Participant Search Cases Case Search Participant Search 22-29102: This document is currently unavailable. If you need a copy of this document, please contact Clerk's Office at (775)684-1600. Disclaimer: The information and documents available here should not be relied upon as an official record of action.Only filed documents can be viewed.

Some documents received in a case may not be available for viewing.Some documents originating from a lower court, including records and appendices, may not be available for viewing.For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600. Case

Information: 82699 Short Caption:BOUR ENTERS., LLC VS. 4520 ARVILLE C/W 83099Court:Supreme Court Consolidated:82699*, 83099Related Case(s):83099 Lower Court Case(s):Clark Co. - Eighth Judicial District - A794864Classification:Civil Appeal - General - Other Disqualifications:Case Status:Disposition Filed Replacement:Panel Assigned: Panel To SP/Judge:SP Status:Exempt Oral Argument:Oral Argument Location: Submission Date:How Submitted: + Party Information RoleParty NameRepresented By AppellantBour Enterprises, LLCRusty Graf (Black & Wadhams) AppellantHilena MengeshaRusty Graf (Black & Wadhams) AppellantMulugeta BourRusty Graf (Black & Wadhams) Respondent4520 ArvilleF.

Thomas Edwards (Holley Driggs/Las Vegas) Jessica M. Lujan (Holley Driggs/Las Vegas) RespondentMcKinley ManorF. Thomas Edwards (Holley Driggs/Las Vegas) Jessica M. Lujan (Holley Driggs/Las Vegas) + Due Items Due DateStatusDue ItemDue From 10/11/2022OpenRemittitur Docket Entries DateTypeDescriptionPending?Document 03/31/2021Filing FeeFiling Fee due for Appeal.

(SC) 03/31/2021Notice of Appeal DocumentsFiled Notice of Appeal. Appeal docketed in the Supreme Court this day. (SC)21-09353 03/31/2021Notice/OutgoingIssued Notice to Pay Supreme Court Filing Fee. No action will be taken on this matter until filing fee is paid. Due Date: 10 days. (SC)21-09355 04/08/2021Filing FeeFiling Fee Paid. \$250.00 from Black & Wadhams.

Check no. 10014. (SC) 04/08/2021Notice/OutgoingIssued Notice of Referral to Settlement Program. This appeal may be assigned to the settlement program. Timelines for requesting transcripts and filing briefs are stayed. Docketing Statement mailed to counsel for appellant - due: 21 days. (SC).21-10165 04/09/2021Settlement NoticeIssued Notice: Exemption from Settlement Program.

It has been determined that this appeal will not be assigned to the settlement program. Appellant(s) 14 days transcript request form; 120 days opening brief. (SC).21-10229 04/14/2021Transcript RequestFiled Request for Transcript of Proceedings. Transcripts requested: 09/03/19, 12/09/20, 12/15/20, 01/12/21 and 03/02/21.

To Court Reporter: Christine Erickson (REJECTED PER NOTICE ISSUED 04/14/21). (SC) 04/14/2021Notice/OutgoingIssued Notice of Deficient Transcript Request. (SC)21-10827 04/14/2021Transcript RequestFiled Request for Transcript of Proceedings. Transcripts requested: 09/03/19, 12/09/20, 12/15/20, 01/12/21 and 03/02/21.

To Court Reporter: Christine Erickson. (SC)21-10842 04/29/2021Docketing StatementFiled Docketing Statement Civil Appeals. (SC)21-12327 04/29/2021Docketing StatementFiled Docketing Statement Exhibits. (SC)21-12333 08/06/2021Order/Clerk'sFiled Order Granting Extension Per Telephonic Request. Appellants' opening brief and appendix due: August 23, 2021. (SC)21-22899 08/06/2021MotionFiled Appellant's Motion to Consolidate.

Case Nos. 82699 and 83099. (SC)21-22904 08/11/2021Order/ProceduralFiled Order Granting Motions to Consolidate. Cause appearing, appellant's motions to consolidate these appeals are granted. NRAP 3(b)(2). These appeals are hereby consolidated. Appellant shall have until September 22, 2021, to file and serve a single appendix and a single opening brief addressing all issues in these appeals.

The transcript request form in Docket No. 83099 remains due to be filed by August 20, 2021. Nos 82699/83099 (SC)21-23324 08/11/2021Transcript RequestFiled Bour Entterprises, LLC's Notice of No Request for Transcripts of Proceedings (No. 83099). Nos. 82699/83099. (SC)21-23382 09/21/2021MotionFiled Appellant's Motion for Extension of Time to File Opening Brief.

Nos. 82699/83099. (SC)21-27223 09/28/2021Order/ProceduralFiled Order Denying Motion. Appellants have filed a motion for a second extension of time to file the opening brief and appendix. The motion is denied. Appellant's opening brief and appendix due: 7 days. Nos. 82699/83099. (SC)21-27856 10/05/2021BriefFiled Appellants' Opening Brief. Nos. 82699/83099. (SC)21-28548 10/05/2021AppendixFiled Appellants' Appendix of Record - Volumes I-XI.

Nos. 82699/83099. (SC)21-28552 10/05/2021AppendixFiled Appellants' Appendix of Record - Volumes I-XI. Nos. 82699/83099. (SC)21-28553 11/01/2021Order/Clerk'sFiled Order Granting Extension Per Telephonic Request. Respondents' answering brief due: November 18, 2021. Nos. 82699/83099. (SC)21-31357 11/18/2021BriefFiled Respondents' Answering Brief. Nos. 82699/83099 (REJECTED PER NOTICE ISSUED 11/18/21) (SC) 11/18/2021Notice/OutgoingIssued Notice of Rejection of Deficient Brief.

Corrected brief due: 5 days. Nos. 82699/83099 (SC)21-33343 11/18/2021BriefFiled Respondents' Answering Brief. Nos. 82699/83099 (SC)21-33345 11/18/2021AppendixFiled Respondents' Supplemental Appendix. Nos. 82699/83099 (SC)21-33346 01/10/2022Case Status UpdateBriefing Completed/To Screening. No reply brief filed. Nos. 82699/83099. (SC) 09/16/2022Order/DispositionalFiled Order of Affirmance.

"We affirm the district court's judgment in Docket No. 82699. And because appellants' argument for reversing the attorney fees and costs award in Docket No. 83099 is premised solely on the propriety of the judgment challenged in Docket No. 82699, we necessarily affirm that award as well." fn3[The Honorable Mark Gibbons, Senior Justice, participated in the decision of this matter under a general order of assignment.]

RP/KP/MG Nos. 82699/83099. (SC)22-29102 Combined Case View