

IN THE SUPREME COURT OF THE STATE OF NEVADA

DAVID DEZZANI; AND ROCHELLE  
DEZZANI,  
Appellants,  
vs.

KERN & ASSOCIATES, LTD.; AND  
GAYLE A. KERN,  
Respondents.

No. 69410

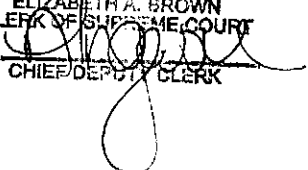
DAVID DEZZANI; AND ROCHELLE  
DEZZANI,  
Appellants,  
vs.

KERN & ASSOCIATES, LTD.; AND  
GAYLE A. KERN,  
Respondents.

No. 69896

**FILED**

MAY 23 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER REGARDING COSTS*

On November 16, 2016, the Court of Appeals entered an order affirming in part and reversing in part district court judgments in these consolidated appeals. On December 6, 2016, appellants filed a bill of costs with respect to Docket No. 69896, in which the Court of Appeals reversed the district court's award of attorney fees. Respondents object to the bill of costs. On April 21, 2017, this court granted respondents' petition for review. Subsequently, we entered an order resolving these appeals wherein we reversed the district court's award of attorney fees to respondent but affirmed the district court's award of costs to respondent in Docket No. 69896. NRAP 39(a)(4) provides, in pertinent part, ". . . if a judgment is affirmed in part, reversed in part, modified, or vacated, costs are taxed only

as the court orders." Under the circumstances in this case, we conclude that appellate costs are not properly taxed pursuant to NRAP 39 against any party in this matter. Accordingly, the clerk shall not insert costs in favor of any party in the remittitur.

It is so ORDERED.



C.J.

cc: David Dezzani  
Rochelle Dezzani  
McDonald Carano LLP/Reno  
Kern & Associates, Ltd.  
Marquis Aurbach Coffing