

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHARLES LAM, INDIVIDUALLY AND
DERIVATIVELY ON BEHALF OF
TRAN ENTERPRISES, LLC, A NEVADA
LIMITED LIABILITY COMPANY, AND
AS TRUSTEE OF THE NT
REVOCABLE LIVING TRUST DATED
THE 15TH OF OCTOBER 2009,

Appellant,

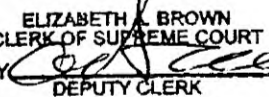
vs.

P. STERLING KERR, INDIVIDUALLY
AND AS TRUSTEE OF THE NT
LEGACY TRUST, DATED THE 15TH
DAY OF OCTOBER 2009; NHU TRAN
FOUNDATION, INC., A NEVADA NON-
PROFIT CORPORATION; AND COURT
APPOINTED RECEIVER, ROBERT
ANSARA OF DUNHAM TRUST
COMPANY,
Respondents.

No. 83730-COA

FILED

FEB 28, 2024

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER AFFIRMING IN PART AND DISMISSING IN PART

Charles Lam appeals from district court orders permitting the payment of attorney fees in a trust matter.¹ Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

¹To the extent that Lam, in proper person, seeks to pursue this appeal as trustee of the NT Revocable Living Trust and derivatively as a member of Tran Enterprises, LLC, no statute or court rule authorizes an entity to represent itself or to be represented by a nonlawyer in this court. *See State v. Stu's Bail Bonds*, 115 Nev. 436, 436 n. 1, 991 P.2d 469, 470 n. 1 (1999); *see also Salman v. Newell*, 110 Nev. 1333, 1336, 885 P.2d 607, 608 (1994) (holding that trustee who is not an attorney cannot represent trust in either district court or supreme court, and trusts cannot proceed in proper person in supreme court); and *Sunde v. Contel of California*, 112 Nev. 541, 542-43,

This appeal stems from the administration of the irrevocable NT Legacy Trust (Legacy Trust). In a previous appeal, this court affirmed the district court's grant of summary judgment and entry of a final monetary judgment against Lam on the basis that Lam waived all of his arguments related to those judgments by failing to raise those issues before the district court. *See Lam v. Nhu Tran Foundation, Inc.*, Docket No. 82032-COA, 2021 WL 4317390 (Nev. Ct. App. Sept. 22, 2021) (Order of Affirmance).

Following issuance of the remittitur, respondent P. Sterling Kerr, as trustee of the Legacy Trust, and Robert Ansara, the court appointed receiver for respondent Nhu Tran Foundation, Inc., entered into a stipulation and order wherein both Kerr and Ansara resolved Ansara's limited objection to Kerr's first and final accounting of the Legacy Trust, and agreed to pay certain amounts in attorney fees to attorneys involved in this matter. Over a week after entry of this stipulation, however, Lam filed an "Opposition to Stipulation and Order to Approve First and Final Accounting and Petition to Approve Accounting: Approve Trustee Fees; and Approve Attorneys Fees and Costs or in the Alternative, Motion for Reconsideration of Order Approved Such Stipulation." The receiver opposed, and filed a countermotion for sanctions, arguing that Lam's motion was frivolous and filed with an intent to multiply the proceedings. Kerr filed a joinder to this opposition. Simultaneously, the receiver filed an application for expenses incurred from March 1, 2021, to August 31, 2021,

915 P.2d 298, 298-99 (1996) (providing that president of corporation could not represent corporation on appeal even though corporation had assigned its rights in litigation to president). Accordingly, we dismiss this appeal as to the NT Revocable Living Trust Dated the 15th of October 2009, and Tran Enterprises, LLC.

in the amount of \$115,168.18, to which Lam also objected. Ultimately, the district court entered two orders, the first denying Lam's opposition to the final accounting and granting the receiver's countermotion for sanctions, finding that fees were warranted under EDCR 7.60(b) and awarding the receiver \$6,567.50 in attorney fees and costs, and the second granting the receiver's application for expenses in its entirety. Lam now appeals.

In his informal brief, Lam presents many arguments related to matters that occurred before entry of the final judgment affirmed by this court in Docket No. 82032-COA, including issues related to discovery, participation in mandatory joint case conferences, Lam's request for the removal of Kerr as trustee, Lam's requests for the removal of the receiver, and the district court's approval of a confidential settlement agreement between Kerr and the receiver. These arguments are not properly before us on appeal, as they should have been raised in the appeal from the final judgment. *See Recontrust Co. v. Zhang*, 130 Nev. 1, 9, 317 P.3d 814, 819 (2014) (recognizing that "a question that could have been but was not raised on one appeal cannot be resurrected on a later appeal to the same court in the same case" (internal quotation marks omitted)). Therefore, we conclude that these claims do not present a basis for relief. Lam's challenges to the district court orders properly before this court on appeal also do not present a basis for relief. With respect to the stipulation and order to approve the final accounting and the order denying Lam's opposition to the same, Lam baldly asserts that the district court abused its discretion by awarding Kerr his trustee fees and attorney fees "regardless of his negligence." However, Lam failed to challenge the district court's primary ground for denying his opposition: that he was not a party to the stipulation and did not have standing to object to either the stipulation itself, or to the accounting as a

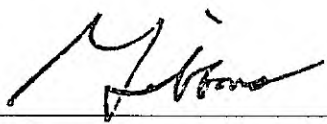
trust beneficiary because his bequest had already been paid in full. Because Lam failed to challenge these grounds, we conclude any arguments against them are waived, and affirm this portion of the district court's order. *See Hung v. Genting Berhad*, 138 Nev., Adv. Op. 50, 513 P.3d 1285, 1288 (Ct. App. 2022) (stating 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").

Lam's challenge to the district court's award of attorney fees and costs as a sanction against him under EDCR 7.60(b) also fails for similar reasons, as Lam does not develop any cogent argument as to why he believes this ruling was improper. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (holding that the court need not consider claims that are not cogently argued or lack relevant authority).

Finally, Lam challenges the order granting the application for approval of receivership expenses. Similar to the above, Lam makes a singular bare assertion related to this order that fails to identify any district court error or explain how the district court's ruling resulted in prejudice against him, stating that the district court erred by ruling "in favor of the Receiver's Application for his Fees and his Attornies' [sic] Fees in almost a million and counting, damaging the Foundation regardless of his fiduciary duty." We conclude that this summary statement does not constitute a cogent argument, and further, it is belied by the record. As a result, we conclude that this argument does not present a basis for reversal of the district court's order. *See id.*

Because Lam has failed to present any meritorious claim for relief, we therefore affirm the orders challenged in this appeal.

It is so ORDERED.²


_____, C.J.
Gibbons


_____, J.
Bulla


_____, J.
Westbrook

cc: Hon. Mark R. Denton, District Judge
Charles Lam
Solomon Dwiggins & Freer, Ltd.
Lee Kiefer & Park, LLP
Marquis Aurbach Chtd.
Eighth District Court Clerk

²Insofar as Lam raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.