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Las Vegas Review-Journal v. City of Henderson

Supreme Court of Nevada - December 23, 2021 - P.3d - 2021 WL 6102332 - 137 Nev. Adv. Op. 81

Newspaper filed suit against city to compel production of documents under the Nevada Public Records Act (NPRA), and it moved for attorney fees after records were produced.

The District Court granted in part newspaper's motion. City appealed, and newspaper cross-appealed. The Supreme Court reversed. Newspaper filed amended request for attorney fees based on intervening caselaw. The District Court denied the motion. Newspaper appealed.

The Supreme Court held that:

- Newspaper did not make reasonable attempt to settle dispute with city, as factor weighing against determination that newspaper was prevailing party under catalyst theory;
- District court adequately considered factor of when city voluntarily released records;
- Trial court was required to review merits of claim that documents were protected by deliberative-process privilege, in considering factor of whether newspaper was entitled to receive documents at earlier time; and
- District court clearly erred in determining that newspaper's suit against city was not frivolous based on Supreme Court's silence in prior appeals.

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