

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GUY K. HUI,
Appellant,
vs.
CATHERINE ROGERS-HUI,
Respondent.

No. 68186

FILED

MAR 31 2016

TRACHE K. INDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal from a district court order denying a motion to set aside a post-divorce decree order under NRCP 60(b).¹ Eighth Judicial District Court, Family Court Division, Clark County; Cheryl B. Moss, Judge.

After the parties' divorce decree was entered, they signed and filed a qualified domestic relations order (QDRO) relating to appellant's pension. Subsequently, appellant moved to have the QDRO set aside

¹We have considered respondent's argument that the order before us is not substantively appealable and conclude that this argument lacks merit. *See Foster v. Dingwall*, 126 Nev. 49, 53 n.3, 228 P.3d 453, 456 n.3 (2010) (recognizing that an order denying NRCP 60(b) relief is independently appealable). Additionally, having considered respondent's arguments regarding the timeliness of the NRCP 60(b) motion, we conclude that the district court did not abuse its discretion in finding that the motion was timely. *See* NRCP 60(b) (providing that motions brought under subsections (1), (2), and (3) of that rule must be brought within "[six] months after the proceeding was taken or the date that written notice of entry of the judgment or order was served").


under NRCP 60(b). Respondent opposed the motion. After a hearing, the district court denied appellant's motion to set aside the QDRO, and this appeal followed.

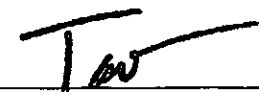
On appeal, appellant argues, among other things, that the district court abused its discretion by denying his motion to set aside the QDRO without specifically addressing his NRCP 60(b) based arguments that the order should be set aside either based on excusable neglect or because it was void. Although the parties submitted conflicting versions of the facts underlying these arguments, the district court did not take evidence at the hearing or make any findings with regard to appellant's NRCP 60(b) arguments. Indeed, the district court's order declining to set aside the QDRO did not directly address appellant's NRCP 60(b) arguments at all.


The failure of the district court to make specific findings of fact and conclusions of law as to appellant's arguments prevents this court from conducting meaningful appellate review. *See Jitnan v. Oliver*, 127 Nev. 424, 433, 254 P.3d 623, 629 (2011) ("Without an explanation of the reasons or bases for a district court's decision, meaningful appellate review, even a deferential one, is hampered because we are left to mere speculation."). As a result, we conclude the district court abused its discretion by denying the motion to set aside the QDRO without making factual findings and without addressing the specific grounds raised in appellant's motion. Accordingly, we reverse the district court's decision

and remand this matter to the district court for further proceedings consistent with this order.

It is so ORDERED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Cheryl B. Moss, District Judge, Family Court Division
Larry J. Cohen, Settlement Judge
Accelerated Law Group
Willick Law Group
Eighth District Court Clerk

²In light of the basis for our resolution of this matter, we decline to reach appellant's procedural arguments as to the affidavit requirement and the timeliness of respondent's reply.