

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

AMANDAH MITCHELL,
Appellant,
vs.
JOSHUA DONN,
Respondent.

No. 75350

FILED

OCT 31 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Amandah Mitchell appeals a district court order denying a motion for relief from judgment in a child custody matter. Eighth Judicial District Court, Family Court Division, Clark County; Sandra L. Pomrenze, Judge.

In the proceedings below, the parties stipulated to a custody decree, whereby the parties shared joint legal and joint physical custody of their minor child. Approximately six months after the entry of the custody decree, Amandah filed a motion for relief from judgment, asserting that she mistakenly relied on her counsel, who pressured her into settling, and she stipulated to the custody decree when she wanted to proceed to trial. The district court denied her motion and this appeal followed.


The district court has broad discretion in deciding whether to grant or deny an NRCP 60(b) motion to set aside a judgment, and this court will not disturb that decision absent an abuse of discretion. *Cook v. Cook*, 112 Nev. 179, 181-82, 912 P.2d 264, 265 (1996). On appeal, Amandah has not raised any arguments addressing why she believes the district court abused its discretion in denying the motion to set aside. Instead, Amandah

reasserts her arguments from below as to why she believes the current custody order is not in the child's best interest.

Because Amandah fails to raise any arguments addressing the grounds relied on by the district court in denying the motion to set aside, she has waived any such challenge. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) ("Issues not raised in an appellant's opening brief are deemed waived."). Moreover, we note that, based on our review of the record, we discern no abuse of discretion in the district court's decision to deny the motion to set aside as the district court canvassed Amandah to make sure that she understood the terms of the agreement, that she entered into the agreement voluntarily, and that she believed the terms of the agreement were in the child's best interest.¹ Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

¹To the extent Amandah intended to appeal from the underlying custody decree and presents arguments as to the propriety of the decree itself, those arguments are not properly before us as the notice of entry of the decree of custody was served on June 7, 2017, and Amandah's notice of appeal was not filed until March 8, 2018. Accordingly, the time to appeal from that determination had long passed at the time the notice of appeal was filed. *See* NRAP 4(a) (providing the time within which an appeal must be filed).

cc: Hon. Sandra L. Pomrenze, District Judge, Family Court Division
Amandah Mitchell
Webster & Associates
Eighth District Court Clerk