

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SOURESH BASU,
Appellant,
vs.
SANGHAMITRA BASU,
Respondent.

No. 73896

SOURESH BASU,
Appellant,
vs.
SANGHAMITRA BASU,
Respondent.

No. 73998

FILED

AUG 24 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

*ORDER AFFIRMING IN PART,
REVERSING IN PART AND REMANDING*

Souresh Basu appeals from a district court decree of divorce and order granting attorney fees. Eighth Judicial District Court, Family Court Division, Clark County; Charles J. Hoskin, Judge.

This consolidated appeal arises from the divorce of appellant Souresh Basu and respondent Sanghamitra ("Sangha") Basu. The parties extensively contested their property, alimony, and attorney fee issues below. The district court determined the parties' separate and community property and divided the community property, awarded attorney fees to Sangha, and declined to award alimony to either party.¹

On appeal, Souresh argues the district court (1) violated his due process rights by failing to provide him with sufficient time to present his case and his testimony; (2) improperly considered his deposition; (3) failed to properly divide the marital estate; (4) erroneously prevented Souresh from presenting his evidence, specifically evidence of marital waste; (5)

¹We do not recount the facts except as necessary to our disposition.

abused its discretion by awarding attorney fees to Sangha; and (6) demonstrated impermissible bias against Souresh.

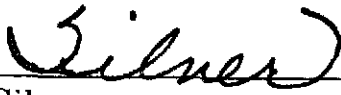
We have carefully reviewed Souresh's appellate briefs and the appellate record, and we conclude Souresh fails to support the majority of his arguments.² However, we agree the district court abused its discretion in awarding attorney fees here. We review a district court's award of attorney fees for an abuse of discretion. *Miller v. Wilfong*, 121 Nev. 619, 622, 119 P.3d 727, 729 (2005). A party seeking attorney fees must provide a basis for the award and support its request with an affidavit. *Id.* at 623-24, 119 P.3d at 730. Before awarding attorney fees in a divorce case, the district court must evaluate the factors set forth in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), and *Wright v. Osburn*, 114 Nev. 1367, 1370, 970 P.2d 1071, 1073 (1998). *Id.* at 623-24, 119 P.3d at 730. Although the district court should make express findings on the record, the failure to do so will not require reversal where the award


²Notably, Souresh fails throughout his briefs to present cogent arguments or support his arguments with Nevada law even though relevant Nevada law exists. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that this court need not consider arguments not adequately briefed, not supported by relevant authority, and not cogently argued). Additionally, several of his arguments are belied by the record, and Souresh fails to provide the record citations or the necessary records for this court to determine others. *See* NRAP 28(a)(10)(A) (requiring appellant to support arguments with record cites to the relevant portions of the record); *Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007) (noting appellant has the burden of providing this court with an adequate appellate record and when he "fails to include necessary documentation in the record, [this court] necessarily presume[s] that the missing portion supports the district court's decision"). Accordingly, we decline to consider the majority of Souresh's arguments or we conclude the district court did not abuse its discretion except in its attorney fee award.

is supported by substantial evidence and the record as a whole shows that the parties argued, and the district court considered, the relevant factors. See *MEI-GSR Holdings, LLC v. Peppermill Casinos, Inc.*, 134 Nev. ___, ___, 416 P.3d 249, 258-59 (2018) (upholding an attorney fees award where the court's order stated it considered the factors and the record shows the parties extensively argued those factors and submitted supporting documentation).

Here, the record shows that Sangha's attorneys provided a basis for their attorney fees request, supported their request with an affidavit and documentation, and argued the *Brunzell* and *Wright* factors to the district court. However, the district court's order does not identify the relevant *Brunzell* and *Wright* factors or even state the court considered the factors. Furthermore, the order does not provide any basis for the amount awarded or address the issues particular to this case that could warrant a fees award. Therefore, we hold that the district court abused its discretion and we must reverse and remand with instructions to the district court that it must demonstrate the legal basis for the award, make findings on the relevant factors, and explain the reasons for the awarded amount. Because we cannot ascertain from the district court's order how it arrived at the resulting amount, we

ORDER the judgment of the district court AFFIRMED IN PART AND REVERSED IN PART AND REMAND this matter to the district court for proceedings consistent with this order.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Charles J. Hoskin, District Judge, Family Court Division
Robert E. Gaston, Settlement Judge
Hofland & Tomsheck
Fine Carman Price
Eighth District Court Clerk