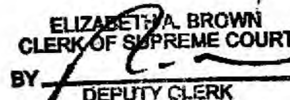
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CAROL ANN STROM,
Appellant,
vs.
EDWARD R. KELLER,
Respondent.

No. 78824-COA



FEB 11 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY DEPUTY CLERK

ORDER OF AFFIRMANCE

Carol Ann Strom appeals from a district court order modifying child custody and support. Eighth Judicial District Court, Family Court Division, Clark County; Charles J. Hoskin, Judge.

Strom and respondent Edward R. Keller have one minor child. Previously, by stipulation, Strom had primary physical custody of the child and Keller had regularly scheduled parenting time. The district court later issued a temporary order reaffirming Strom's primary physical custody, but altering Keller's parenting time such that the time share was much closer to a joint physical custody arrangement. Keller later moved to modify custody, initially requesting sole physical custody on grounds that he believed it was not in the child's best interest to remain in Strom's care in light of her alleged mental health issues. However, at the time of the evidentiary hearing on the motion, Keller instead requested that the district court grant him primary physical custody or, in the alternative, joint physical custody. Keller also requested that the child be enrolled in a different school and that Strom be required to attend therapy in accordance with the recommendation of a psychologist that had evaluated her. The

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district court issued a written decision making findings on all of the statutory best interest factors, granting the parties joint physical custody, ordering that the child attend Keller's preferred school, requiring Strom to attend therapy, and resolving financial matters, including child support. This appeal followed.

In her briefing on appeal, Strom fails to cogently present any specific grounds for reversal. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (noting that the appellate courts need not consider claims that are not cogently argued). Moreover, to the extent Strom sets forth reasons why she believes the district court's order was incorrect, she essentially reargues the facts of the case and disagrees with the weight the district court gave to the evidence before it, which we will not reevaluate on appeal. *See Quintero v. McDonald*, 116 Nev. 1181, 1183, 14 P.3d 522, 523 (2000) (refusing to reweigh evidence on appeal). Strom also refers to facts and evidence that were not presented to the district court in the first instance, and she attempts to relitigate previously decided issues, neither of which she is permitted to do on appeal. *See In re Application of Finley*, 135 Nev., Adv. Op. 63, ___ P.3d ___, ___ n.4 (Ct. App. 2019) (refusing to consider factual issues in the first instance on appeal); *Nance v. Ferraro*, 134 Nev. 152, 159-60, 418 P.3d 679, 685-86 (Ct. App. 2018) (recognizing that parties are generally not free to relitigate previously decided issues).

Because our review of the record reveals that the district court applied the appropriate law with regard to the issues presented on appeal and made extensive findings based on the evidence introduced at the evidentiary hearing, we discern no abuse of discretion in the district court's

order. *See Wallace v. Wallace*, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996) ("Matters of custody and support of minor children rest in the sound discretion of the trial court.").

Accordingly, we

ORDER the judgment of the district court AFFIRMED.[1]

_______________, C.J.
Gibbons

_______________, J.
Tao

_______________, J.
Bulla

cc: Hon. Charles J. Hoskin, District Judge, Family Court Division
Carol Ann Strom
Edward R. Keller
Eighth District Court Clerk

[1]Insofar as Strom raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal. This includes numerous arguments and issues that Strom failed to first raise before the district court. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) ("A point not urged in the trial court . . . is deemed to have been waived and will not be considered on appeal.").