


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JASON GUNN,  
Appellant,  
vs.  
LORISE DAVID,  
Respondent.

No. 79226-COA

**FILED**

APR 28 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT,  
BY   
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Jason Gunn appeals from a post-custody decree order regarding child support. Eighth Judicial District Court, Clark County; David S. Gibson, Jr., Judge.

Gunn and respondent Lorise David have one minor child in common and, in 2013, Gunn filed a complaint for custody. In 2014, the parties entered a stipulated custody decree whereby David was awarded sole legal and physical custody of the minor child, and Gunn was to pay \$300 per month in child support. As relevant here, in July 2019, Gunn filed a "Petition to Terminate Case for Violation of Religious Beliefs." In it, Gunn sought to terminate his child support obligation, asserting that the child support order violated his constitutional rights; in particular, his religious freedoms and "his unalienable rights protected by the Nevada Constitution." At the same time, Gunn filed an "Affidavit of Rescission of Signature," "Notice of Appearance," and "Judicial Notice." He also filed a notice of motion and motion to be heard on his filings.

The district court denied Gunn's motion, concluding that he failed to serve his filings on David. The court also noted that Gunn filed a similar document in September 2018 and a separate action in February 2019, both of which made almost identical arguments and were denied, and that Gunn failed to raise any new facts or law for the court's consideration. This appeal followed.

On appeal, Gunn challenges the district court's denial of his motion. This court reviews orders regarding child support for an abuse of discretion. *Wallace v. Wallace*, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996); *see also Flynn v. Flynn*, 120 Nev. 436, 440, 92 P.3d 1224, 1227 (2004). An abuse of discretion occurs when the district court's decision is not supported by substantial evidence. *See Miller v. Miller*, 134 Nev. 120, 125, 412 P.3d 1081, 1085 (2018) (stating that in child support matters, this court "will uphold the district court's determination if it is supported by substantial evidence" (quoting *Flynn*, 120 Nev. at 440, 92 P.3d at 1227)).

Here, Gunn asserts, as he did below, that the child support order violates his constitutional rights. But the district court denied Gunn's motion on the basis that he failed to serve it on David. *See* NRCP 5(a)(1) (providing that written motions must be served on every party). And on appeal, Gunn has provided no argument addressing those grounds. Thus, because Gunn fails to raise any arguments addressing the grounds relied on by the district court in denying his motion, he has waived any such challenge and we necessarily affirm the district court's order. *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.”).

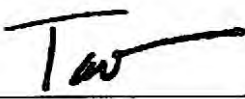
Additionally, to the extent the district court denied Gunn’s motion on the merits by concluding that Gunn’s filings set forth no legally recognized basis to terminate enforcement of the child support order, we likewise discern no abuse of discretion. On appeal, Gunn only summarily asserts that he is not a citizen and generally cites to the Nevada Constitution. Thus, he has failed to offer any cogent arguments as to how the child support order amounts to a violation of his constitutional rights. *See Edwards v. Emperor’s Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (concluding that this court need not consider issues that are not cogently argued). And Gunn’s contention that the district court lacked personal jurisdiction over him is without merit as Gunn initiated the action by filing a complaint for custody, and he specifically conceded jurisdiction in the stipulated custody decree entered in 2014. *See Dogra v. Liles*, 129 Nev. 932, 939, 314 P.3d 952, 957 (2013) (“We assume without deciding that seeking affirmative relief from a court subjects a litigant to that court’s jurisdiction and cannot simultaneously be done while the litigant objects to the court’s exercise of jurisdiction.”); *cf.* NRCP 12(h) (providing that challenges to personal jurisdiction can be waived); *Fritz Hansen A/S v. Eighth Judicial Dist. Court*, 116 Nev. 650, 656-57, 6 P.3d 982, 986 (2000) (explaining that personal jurisdiction can be waived if not timely raised and that “to avoid waiver of a defense of lack of jurisdiction

over the person . . . the *defendant* should raise its defense either in an answer or pre-answer motion” (emphasis added)).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.<sup>1</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. David S. Gibson, Jr., District Judge  
Jason Gunn  
Lorise David  
Eighth District Court Clerk

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<sup>1</sup>Insofar as Gunn raises arguments or submitted filings 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.