

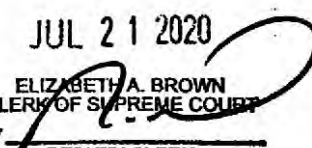
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IMANE DJEMAMAR,
Appellant,
vs.
ABDELILAH FAHSI,
Respondent.

No. 78547-COA

FILED

JUL 21 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Imane Djemamar appeals from a post-decree order awarding attorney fees and costs. Eighth Judicial District Court, Family Court Division, Clark County; Lisa M. Brown, Judge.

In the proceedings below, Imane and respondent Abdelilah Fahsi were granted a decree of annulment in 2011. In the parties' parenting agreement, the parties shared joint legal custody and Imane was awarded primary physical custody over their minor child. On July 5, 2018, Abdelilah filed an emergency motion to enforce the parenting agreement, for an order to show cause, and for make-up time with the child, alleging that Imane had withheld the child from Abdelilah. A certificate of service attached to the motion indicates the motion was mailed to Imane on July 5, 2018, and that Imane was served via electronic service pursuant to EDCR 8.05. On July 10, Abdelilah filed an order shortening time, setting the hearing on his motion for July 13, 2018. At the July 13 hearing, the district court noted that Abdelilah was unable to personally serve Imane with the motion prior to the hearing and that the need for Abdelilah's motion to be heard on shortened time was now moot as he received the child from Imane. Based on this, the district court continued the hearing on the motion from July 13

to August 21, 2018. Abdelilah filed a notice of rescheduling of the hearing and the certificate of service indicates Imane was served via electronic service and by mail on July 31, 2018.

At the August 21 hearing, Imane did not appear and did not file an opposition or otherwise respond to Abdelilah's July 5th motion. Accordingly, the district court granted Abdelilah's motion, awarding him 18 days of make-up time and setting the matter for a show cause hearing on November 29, 2018. On October 8, 2018, Imane filed a motion to set aside the order from the August 21 hearing, asserting that she was not served with Abdelilah's motion or the notice of rescheduling hearing. After a hearing, the district court entered an order denying Imane's motion to set aside and awarding Abdelilah attorney fees and costs, finding the motion was frivolous. This appeal followed.

On appeal, Imane challenges the district court's order awarding Abdelilah attorney fees, asserting that she was not properly served with the motion or notice of rescheduling of hearing. This court reviews 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). An abuse of discretion occurs when the district court's decision is not supported by substantial evidence. *Otak Nev., LLC v. Eighth Judicial Dist. Court*, 129 Nev. 799, 805, 312 P.3d 491, 496 (2013).

Here, the district court found that Imane was properly served with Abdelilah's motion and the notice of rescheduling for the hearing based on the certificate of service, which indicated the documents were mailed to Imane. Although Imane asserts that she did not receive the filings via mail, this court does not reweigh witness credibility or the weight of the evidence on appeal. See *Ellis v. Carucci*, 123 Nev. 145, 152, 161 P.3d 239, 244 (2007)

(refusing to reweigh credibility determinations on appeal); *Quintero v. McDonald*, 116 Nev. 1181, 1183, 14 P.3d 522, 523 (2000) (refusing to reweigh evidence on appeal). Thus, based on our review of the record, substantial evidence supports the district courts conclusions and we cannot conclude that the district court abused its discretion in making its award.¹ See *Miller*, 121 Nev. at 622, 119 P.3d at 729; see also NRS 125C.250 (allowing the district court, in its discretion, to award reasonable attorney fees and costs in custody matters).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

¹We note that because Imane did not provide any argument regarding the award of costs, we necessarily affirm that award. See *Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (explaining that matters not raised on appeal are waived).

²Insofar as Imane raise 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.

cc: Hon. Lisa M. Brown, District Judge, Family Court Division
Imane Djemamar
Abdelilah Fahsi
Eighth District Court Clerk