

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHARLES JERRY GRAY, JR.,  
Appellant,  
vs.  
JACQUELINE DAVANIA-  
WILLIAMSON,  
Respondent.

No. 82705-COA

**FILED**

DEC 29 2021

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

*ORDER OF AFFIRMANCE*

Charles Jerry Gray, Jr. appeals from a district court order denying NRCP 60(b) relief in a child custody matter. Eighth Judicial District Court, Clark County; Rhonda Kay Forsberg, Judge.

In the proceedings below, Charles initiated the action to establish custody over the parties' one minor child. In September 2019, Charles and respondent Jacqueline Davania-Williamson agreed to a stipulated custody order, whereby the parties shared joint legal custody and Jacqueline maintained primary physical custody of the child. As relevant here, in November 2019, Charles moved to set aside the September 2019 stipulated custody order, asserting that his counsel signed the stipulation without his permission and that he did not agree with the provisions in the custody order. Jacqueline opposed and the district court entered an order concluding that the motion was untimely, but ultimately continuing the

matter to be heard with a motion to modify custody that Charles had since filed.

After numerous additional filings and several hearings, the district court subsequently entered an order in November 2020 concluding that the parties should utilize the custody schedule ordered in the stipulation entered in September 2019, ordering the parties to modify the Christmas holiday schedule as they stipulated to, concluding that Jacqueline's request for attorney fees and costs would be reviewed by the court on its chambers calendar, and ordering the case closed following the entry of the order and an order addressing attorney fees.

Charles then filed a second motion to set aside, seeking to set aside or correct the order filed in November 2020. In that motion, Charles argued that the district court ordered Jacqueline's counsel to provide Charles with a copy of the draft order for him to review and countersign, and that he submitted two proposed edits to Jacqueline's draft order, but only one was made. He went on to argue that Jacqueline's counsel then improperly submitted the draft order to the court without his countersignature and without his second edit. Accordingly, Charles requested the court set aside or correct the November 2020 order to include his second edit—indicating that he was allowed to file an opposition to Jacqueline's request for attorney fees. Jacqueline opposed the motion, asserting that her counsel submitted the draft order to Charles for review,

and agreeing that he sought two changes, one of which was made. But regarding Charles's second edit—seeking to add a provision allowing him to respond to Jacqueline's request for attorney fees—Jacqueline argued the requested edit did not make sense because Charles had already opposed Jacqueline's request for attorney fees and he seemed to actually be seeking his own attorney fees when the only issue before the court was Jacqueline's attorney fees. Moreover, Jacqueline asserted that she submitted the proposed order to the court for consideration, including a copy of Charles's e-mailed objections, and the district court adopted her proposed order. The district court denied Charles's motion to set aside the November 2020 order but modified its prior attorney fee award in light of Charles's opposition previously filed regarding Jacqueline's request for attorney fees. This appeal followed.

On appeal, Charles challenges the district court's order denying his motion to set aside the November 2020 order. But he has failed to offer any argument challenging the district court's denial of that motion. Rather, Charles only argues that the district court abused its discretion in making prior rulings regarding custody and in denying his prior motion to set aside the stipulated custody order. Thus, because Charles fails to raise any arguments addressing the district court's decision to deny his motion to set aside the November 2020 order, 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.”).

Accordingly, we

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

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

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

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

cc: Hon. Rhonda Kay Forsberg, District Judge  
Charles Jerry Gray, Jr.  
Fine Carman Price  
Eighth District Court Clerk

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<sup>1</sup>As to Charles’s challenge to the district court’s denial of his first motion to set aside—seeking to set aside the stipulated custody order—and the district court’s other decisions in making its custody determination, those matters are not properly before us in this appeal. See NRAP 3A(b) (providing the types of judgments and orders that may be appealed). Insofar as the parties raise additional 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.