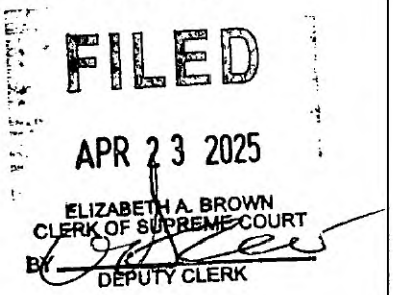
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

TERRY ROSSER,
Appellant,
vs.
JOAN TAYLOR,
Respondent.

No. 87864-COA



ORDER OF AFFIRMANCE

Terry Rosser appeals from a decree of custody and award of attorney fees. Eighth Judicial District Court, Family Division, Clark County; Paul M. Gaudet, Judge.

V. was born in May 2019 to Rosser and respondent Joan Taylor. Rosser and Taylor were never married but casually dated, and they separated shortly before Taylor realized she was pregnant. When Taylor told Rosser she was pregnant, he first requested a paternity test and then he told her she would be the primary caregiver in V.'s life. But at one point during the pregnancy, he tried to self-terminate his parental rights.

Eventually Rosser stopped communicating with Taylor entirely, and she stopped informing him about the pregnancy and the eventual birth. Rosser was not present when V. was born. He eventually tried to reach out to Taylor, sending three messages to her over the next year, with the first one being when V. was three months old. Taylor chose not to respond, and Rosser filed a complaint in April 2020 to establish joint legal and physical custody. Taylor answered and filed a counterclaim for primary physical custody, sole legal custody, and child support, including retroactive child support. The trial was continued seven times due to a series of unfortunate events but began in November 2023, more than three

25-18256

years after the complaint and counterclaim were filed. However, the district court filed a temporary custody and support order until the trial.

During those three years, Rosser began seeing V., and he had at least three hours of parenting time per week. However, problems began to emerge when Rosser failed to exercise his awarded parenting time. Further, he failed to meaningfully cooperate in discovery. During his deposition he refused to state how much money he earned, if he had money, and where he kept it. Also during the deposition, he often did not answer simple questions, consistently responding that he "[did] not recall" and that he "[did] not understand the question." At one point when Taylor requested his medical records, he sent her blank HIPAA authorizations in response.

When the district court issued a temporary order, it directed him to pay $84 a month in child support because he filed his NRCP 16.205 financial disclosure form, stating that he had zero income. He refused to pay that child support directly to Taylor because he "just didn't want to interact . . . with the mother at all." He also told his law firm to pay the child support to Taylor, and at the time of trial, he was three months behind in support payments.

Rosser also began to miss his parenting-time exchanges with V. He inexplicably stopped communicating and failed to show up to the exchanges for months at a time. Taylor estimated that he missed more than 100 exchanges, amounting to over half of his parenting time. And Rosser testified at trial that he has missed dozens of his scheduled parenting time visits. He provided reasons for some of the missed exchanges, but there were still dozens of visits that he missed inexplicably.

When Rosser exercised his parenting time, he argued with Taylor and the court-assigned parenting coach. He refused to participate in V.'s toilet training during his parenting time, and he acted so hostile to

the parenting coach that she informed the district court she could not work the case until he changed his behavior. The court attempted to address the problems and clarified that Rosser had joint legal custody during a hearing, and that he had the right to pick up V. from school. Yet Rosser initially refused to sign an authorization with V.'s school to allow him to pick V. up for his scheduled parenting time thereby resulting in him not seeing V. numerous times.

The district court held a one-day trial, and both Taylor and Rosser testified. Rosser changed his position on the award of physical custody at the start of trial because he was diagnosed with cancer and going through treatment. He stipulated with Taylor that she be awarded primary physical custody, and he requested that a parenting-time schedule of four days a week for three unsupervised hours a day. But he still requested joint legal custody.

As to his income, Rosser testified that he had received over "six figures" from his father each year over the past four years. He testified that he "[chose] not to [work], let's put it that way," and that he was set to receive between $300,000 to $500,000 as the sole heir to his mother's estate. He testified that the district court could impute around four to five thousand dollars a month for his income and that he lived in his father's residence, meaning he did not have to pay rent. And during his testimony, he was unable to explain the missed parenting times before his cancer treatment started. In addition, both parties testified they spent over $100,000 in the case for attorney fees.

In its written order, the district court awarded Taylor primary physical custody as stipulated by the parties and awarded Rosser a parenting-time schedule of two days a week for four-and-a-half unsupervised hours a day in addition to every Father's Day and Christmas

Day, Thanksgiving, and Easter every other year. It granted Taylor sole legal custody because it found that the parties were dysfunctional in their communication and cooperation and that dysfunction rebutted the presumption for joint legal custody, but it ordered Taylor to keep Rosser informed of V.'s life updates including medical, education and extracurricular activities. The court found that Rosser was dishonest during his deposition and trial testimony and found that most of his explanations were "incredible." The court imputed Rosser's income to be $8,333 a month, which necessitated $1,147 a month in child support per NAC 425.125. The court also used this amount to calculate Rosser's child support arrears from June 2019 through October 2023 in the amount of $56,507. Finally, the district court ordered Rosser to pay all the remaining medical expenses associated with V.'s birth and pay one-half of her health insurance payments.

Taylor also moved for attorney fees, arguing that Rosser intended to delay and obstruct the litigation by his obstinance and refusal to meaningfully cooperate with discovery. Further, he unreasonably sought joint physical custody for almost three years. The district court agreed and awarded Taylor $60,000 in attorney fees. Rosser now appeals from the custody decree, which includes the award of attorney fees.

Legal custody

Rosser first argues that the district court abused its discretion and infringed on his constitutional rights when it found that the presumption for joint legal custody[1] was rebutted and awarded Taylor sole

[1]This argument assumes that the presumption for joint legal custody under NRS 125C.002(1) applies. However, the presumption applies only if:

legal custody. Specifically, he argues that there was insufficient evidence of the breakdown in communication and cooperation that would rebut the presumption for joint legal custody. Taylor responds that the district court's rulings were based on substantial evidence and that the court did not abuse its discretion when it awarded her sole legal custody. She disagrees that the award of sole legal custody violated Rosser's constitutional rights.

Child custody decisions are reviewed for an abuse of discretion. *Wallace v. Wallace*, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996). A district court abuses its discretion when its decision is clearly erroneous. *Bautista v. Picone*, 134 Nev. 334, 336, 419 P.3d 157, 159 (2018). Additionally, this court will not set aside child custody determinations if they are supported by substantial evidence. *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 242 (2007). Evidence is substantial if a reasonable person would accept it as adequate to sustain a judgment. *Id.*

Legal custody is the parent's basic legal responsibility for a child and the responsibility to make major decisions regarding the child.

> (a) The parents have agreed to an award of joint legal custody or so agree in open court at a hearing for the purpose of determining the legal custody of the minor child; or
>
> (b) A parent has demonstrated, or has attempted to demonstrate but has had his or her efforts frustrated by the other parent, an intent to establish a meaningful relationship with the minor child.

NRS 125C.0025(1). Neither factor appears to be present in this case. But the parties and the district court did not address this issue, and it would not change the outcome of the appeal, so we need not address it either. *Badillo v. Am. Brands, Inc.*, 117 Nev. 34, 42, 16 P.3d 435, 440 (2001) (stating that courts "need not consider an issue that has not been fully raised by appellants or meaningfully briefed by either party").

Rivero v. Rivero, 125 Nev. 410, 420, 216 P.3d 213, 221 (2009), *overruled in part on other grounds by Romano v. Romano*, 138 Nev. 1, 501 P.3d 980 (2022). There is a statutory presumption that joint legal custody is in the best interest of the child when certain conditions are met. NRS 125C.002(1). However, this presumption can be overcome when the district court finds that the parents are unable to communicate, cooperate, and compromise in the best interest of the child. *See Rivero*, 125 Nev. at 420-21, 216 P.3d at 221 (citing *Mosley v. Figliuzzi*, 113 Nev. 51, 60-61, 930 P.2d 1110, 1116 (1997)).

Here, the district court found that Rosser was dishonest and not credible. Further, it found that Rosser had long periods of absences of contact with V., and his lack of bonding and contact with V. was his responsibility. The court also specifically found that Rosser "views disagreement on nearly all issues involving [V.], many of which are trivial, [as] a game." Ultimately, the district court found that both parties were dysfunctional in their ability to communicate and cooperate to achieve V.'s best interest, which rebutted the presumption for joint legal custody. Thus, joint legal custody was not in the child's best interest and awarding Taylor sole legal custody was appropriate. Nevertheless, the district court directed Taylor to keep Rosser informed about important events in V.'s life.

Substantial evidence supports the district court's findings. It found Rosser dishonest and not credible when he testified about his employment and income because he listed his income as zero dollars when he was spending thousands of dollars a month on life coaches and a paltry amount on child support. The court also found Rosser had little involvement in V.'s school matters, when he had the ability to do so, despite Taylor's attempts to inform him of the same. The court then found Rosser did not contribute to Taylor's decisions about V.'s education or upbringing

because he did not choose which school V. would be enrolled in despite Taylor's communication. In addition, the court found Rosser refused to pay Taylor child support directly because he "didn't want to interact with the mother at all," and he argued over little details about V.'s upbringing, such as the specific method of her toilet training. Finally, the district court found that Taylor was more in tune with V.'s needs and capable of making objective, thoughtful, and appropriate decisions concerning her best interest.

In light of the foregoing, the district court based its decision on substantial evidence, and we conclude the court did not abuse its discretion when it found that Rosser's lack of cooperation and disinterest in working together with Taylor rebutted the presumption for joint legal custody and accordingly awarded Taylor sole legal custody.[2]

Physical custody

Rosser first argues that the district court abused its discretion regarding the award of physical custody when it awarded two days of parenting time for four-and-a-half hours per day because that ruling was not based on substantial evidence. Taylor responds that the ruling was

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[2]Rosser's argument that the award of sole legal custody to Taylor violated his constitutional rights is unpersuasive. "[A] parent's constitutional interest in the care, custody, and control of their child is not infringed when a district court" awards sole legal custody so long as the court reasonably determines it is in the best interest of the child. *Cf. Kelley v. Kelley*, 139 Nev., Adv. Op. 39, 535 P.3d 1147, 1151 (2023); *see also Rivero*, 125 Nev. at 421, 216 P.3d at 221-22. The district court ruled in the best interest of the child, and Rosser provides no cogent argument how the order violated his parental rights. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that this court need not consider an appellant's argument that is not cogently argued or lacks the support of relevant authority).

based on substantial evidence, and further, that the award was nearly the same schedule that Rosser requested.

The district court enjoys "broad discretionary powers to determine child custody matters, and we will not disturb the district court's custody determinations absent a clear abuse of discretion." *Ellis*, 123 Nev. at 149, 161 P.3d at 241. "In reviewing child custody determinations, we will not set aside the district court's factual findings if they are supported by substantial evidence, which is evidence that a reasonable person may accept as adequate to sustain a judgment." *Id.* at 149, 161 P.3d at 242. Further, "The doctrine of 'invited error' embodies the principle that a party will not be heard to complain on appeal of errors which he himself has introduced or provoked the court or the opposite party to commit." *Eivazi v. Eivazi*, 139 Nev., Adv. Op. 44, 537 P.3d 476, 494 (Ct. App. 2023).

Here, the award of limited parenting time was ordered, in part, because Rosser had never previously exercised more than three hours per day of parenting time. Additionally, the district found that Rosser missed a significant amount of his parenting time pre-trial and there was an absence of bonding between Rosser and V. Those findings are supported by Taylor's testimony that over a three-year period, Rosser showed up to less than half of the allowed parenting times that the district court awarded him. The district court also found Rosser disappeared for months at a time and did not communicate with Taylor during those absences. Moreover, the district court found that Rosser had not had significant, meaningful contact with V., and that lack of contact was Rosser's responsibility. Those findings are supported by substantial evidence.

Thus, the parenting time schedule was based on substantial evidence, and the district court did not abuse its discretion. *See Ellis*, 123 Nev. at 149, 161 P.3d at 241. The district court specifically found that

Rosser did not exercise a substantial portion of his pretrial parenting time and often failed to appear for exchanges. Therefore the court's denial of Rosser's request for four exchanges per week and its decision to not preemptively increase Rosser's parenting time for the future was reasonable under the circumstances. Further, Rosser requested four days a week for three hours a day of parenting time at the start of trial (twelve hours per week), and now he challenges a schedule of nine hours per week that nearly matches his request, which is akin to invited error and provides him with no basis for relief. *See Eivazi*, 139 Nev., Adv. Op. 44, 537 P.3d at 494.

Second, Rosser argues that the parenting time schedule was a de facto award of sole, rather than primary, physical custody, necessitating additional findings. Oppositely, Taylor responds that the award was an award of primary, rather than sole, physical custody, and again, that it nearly matches the schedule that Rosser requested at the hearing.

This court reviews a district court's child custody order for an abuse of discretion. *Wallace*, 112 Nev. at 1019, 922 P.2d at 543. An abuse of discretion occurs when a district court makes an obvious error of law. *Franklin v. Bartsas Realty, Inc.*, 95 Nev. 559, 563, 598 P.2d 1147, 1149 (1979).

Sole physical custody is where "the child resides with only one parent and the noncustodial parent's parenting time is restricted to no significant in-person parenting time." *Roe v. Roe*, 139 Nev., Adv. Op. 21, 535 P.3d 274, 280 (Ct. App. 2023). "Sole physical custody is different than primary or joint physical custody because sole physical custody conflicts with this state's general policy for courts to support 'frequent associations and a continuing relationship' between parent and child." *Id.* (quoting NRS 125C.001(1)). "[S]ole physical custody orders substantially impede the

fundamental parental rights of the noncustodial parent." *Id.* Examples of a sole physical custody arrangement are when a district court issues orders "that limit[ ] parenting time to restrictive supervised parenting time, virtual contact, phone calls, letters, texts, a very limited block of hours on a single day of the week, or a similarly restraining parenting time arrangement." *Id.* at 287.

Oppositely, "[p]rimary physical custody may encompass a wide array of circumstances." *Id.* at 286 (internal quotation marks omitted). "A primary physical custody arrangement is expansive enough to include parenting time arrangements where the nonprimary custodial parent has limited in-person parenting time." *Id.* at 286-87. In a primary physical custody arrangement, a child spends most, but not all, of their time residing with one parent. *Id.* at 287. "For example, with primary physical custody, a child may reside with both parents by spending most or some weekends living with the nonprimary-custodial parent." *Id.*

Here, we conclude that Rosser has not established that the primary physical custody order is actually sole physical custody rather than primary physical custody. Although he has no overnight parenting time, Rosser's parenting time is unsupervised, occurs twice every week, includes every Christmas Day and Father's Day, and every other Thanksgiving and Easter Sunday. This schedule does not match the definition and aforementioned examples of sole physical custody from *Roe*. In addition, the district court considered Rosser's cancer diagnosis, which Rosser testified would make it dangerous for him to see V. due to his radiation treatments, when it fashioned the parenting time schedule. Further, Rosser requested a graduated parenting schedule concomitant with his improved cancer prognosis, and he is still free to request that in a motion in the district court. *See* NRS 125C.0045(1).

And, as we note above, the parenting time awarded to Rosser is similar to the parenting time schedule he requested, and the district court also awarded Rosser a holiday parenting time schedule. Further, Rosser never explains how the difference between nine and twelve hours a week effectively changes the designation from primary to sole physical custody when the parties stipulated to primary custody and district court determined that primary physical custody with Taylor was in V.'s best interest.[3] *See Bluestein v. Bluestein*, 131 Nev. 106, 111-13, 345 P.3d 1044, 1048-49 (2015) (holding the district court can determine the characterization of custody as primary or joint even when the amount of parenting time for the non-custodial parent is less than the 40 percent minimum identified in *Rivero* as necessary for joint physical custody).

Child support and the costs of maternal care

Rosser first argues that the district court abused its discretion by failing to consider the required factors in NAC 425.125(2)(a) generally, and his cancer diagnosis specifically, when it imputed his income and ordered him to pay child support. Taylor responds that the district court

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[3]Additionally, Rosser argues that the district court violated his constitutional rights when it limited his testimony about the best-interest factors. But from reviewing the record, the district court never restricted this testimony and explained to the parties that it was not telling the parties "how to put your case on." The court merely stated it need not perform a strict best-interest-of-the-child analysis because the parties had stipulated to Taylor being awarded primary physical custody, and the only times when there was any comment on the testimony was when the court indicated to the parties about the persuasive value of the evidence. And because Rosser does not cite to any clear examples of his testimony being unduly limited, we decline to further address this issue. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38; *see also* NRS 50.115(1) (stating a trial court may reasonably control interrogation of witnesses and presentation of evidence).

found Rosser to be dishonest about his income, that the record supported that he was intentionally unemployed, and that his imputed monthly income was supported by the record.

This court reviews child support orders for an abuse of discretion. *Edgington v. Edgington*, 119 Nev. 577, 588, 80 P.3d 1282, 1290 (2003). This court will not disturb the factual findings underlying a child support order if they are supported by substantial evidence, *Miller v. Miller*, 134 Nev. 120, 125, 412 P.3d 1081, 1085 (2018). This court "leave[s] witness credibility determinations to the district court and will not reweigh credibility on appeal." *Id.* at 152, 161 P.3d at 244. District courts are authorized to impute income to an obligor if the court determines the obligor is underemployed or unemployed without good cause. NAC 425.125; *Rosenbaum v. Rosenbaum*, 86 Nev. 550, 554, 471 P.2d 254, 256-57 (1970) (holding that a district court may impute income to a party that "purposefully earns less than his reasonable capabilities permit").

"If after taking evidence, the court determines that an obligor is underemployed or unemployed without good cause, the court may impute income to the obligor." NAC 425.125(1). "If the court imputes income, the court must take into consideration, to the extent known, the specific circumstances of the obligor . . . ." NAC 425.125(2). The non-exhaustive list includes the obligor's assets, residence, age, health, employment, and earning history, among others. NAC 425.125(2).

Here, the imputed income decision was based on substantial evidence and the district court considered Rosser's cancer diagnosis when it reached that decision. During the trial, Rosser testified that "[he] chose not to [work] . . . let's put it that way," and that his father gave him more than "six figures" of income every year since 2021, which allowed the district court to conclude that he was intentionally unemployed. Rosser

additionally testified that he did not pay any rent while living in his father's house. And other than testifying that he had cancer, Rosser never introduced any evidence about the cost of his treatment, the extent of that treatment, or any necessary future treatments. When Taylor requested Rosser's medical records, he did not provide any medical records and only provided blank HIPAA authorizations in response.

Additionally, when the district court made its oral rulings, it stated, "The Court's going to find that even with his cancer right now, he does have earnings, pursuant to his testimony . . . ." Further, Rosser testified that the district court could impute $4,000 to 5,000 a month for his monthly income, meaning he agreed that substantial income could be imputed to him. In its written order, the court imputed Rosser's income at $8,333 per month (i.e., $100,000 divided by 12 months) and awarded $1,147 dollars of monthly child support. Thus, the district court considered the factors required under NAC 425.125(2)—specifically Rosser's cancer diagnosis—and imputed and awarded child support based on Rosser's testimony and the evidence produced during the hearing. Therefore, the child support award was based on substantial evidence and the district court did not abuse its discretion.

Rosser next argues that the district court did not make explicit findings that would support a retroactive award of child support for four years. Taylor responds that she filed for child support when V. was one year old, and NRS 125B.030 allows her to collect up to four years of retroactive child support. Further, she argues that the district court made adequate findings when ordering the retroactive child support.

"Where the parents of a child do not reside together, the physical custodian of the child may recover from the parent without physical custody a reasonable portion of the cost of care, support, education

and maintenance provided by the physical custodian." NRS 125B.030. "In the absence of a court order for the support of a child, the parent who has physical custody may recover not more than 4 years' support furnished before the bringing of the action to establish an obligation for the support of the child." *Id.*

Taylor filed the original request for child support in May 2020 as a counterclaim to Rosser's initial complaint. V. was a year old at the time. The district court deferred ruling on the request for retroactive support until the time of trial as no discovery had been conducted. Rosser does not dispute that the court could order retroactive child support under NRS 125B.030.

However, he argues there is a need for specific findings even though the statute contains no such requirement. He asserts in one sentence that Taylor "hid" V. from him, and thus, he should not have to pay support without specific findings on that issue. Yet, he cites inapplicable statutes and fails to properly develop his argument. Therefore, this argument is not cogently presented and need not be considered. *See Edwards,* 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38. Moreover, while the record supports a lack of response from Taylor to many of Rosser's inquiries about V., it does not show abduction or "hiding." Thus, the district court did not abuse its discretion when it ordered retroactive child support.

Rosser also argues that the district court erred when it required him to pay Taylor's medical costs of V.'s birth under NRS 125B.020(3). Specifically, he argues that the statute is unclear, as a matter of interpretation, as to whether the father is obligated to pay the entire medical costs of a mother's pregnancy and confinement. Taylor responds that the statute is clear and unambiguous.

"Questions of statutory interpretation are subject to de novo review by appellate courts on appeal." *State Indus. Ins. Sys. v. Snyder*, 109 Nev. 1223, 1227, 865 P.2d 1168, 1170 (1993). "Where a statute is clear and unambiguous, this court gives effect to the ordinary meaning of the plain language of the text without turning to other rules of construction." *Diamond Nat. Res. Prot. & Conservation Ass'n v. Diamond Valley Ranch, LLC*, 138 Nev. 436, 440-41, 511 P.3d 1003, 1007 (2022).

NRS 125B.020(3) states that "[t]he father is also liable to pay the expenses of the mother's pregnancy and confinement." That language is clear and unambiguous. Further, the statute mandates that the father pay all the medical expenses when interpreted in the whole context of NRS 125B.020. *See Bldg. & Constr. Trades Council of N. Nev. v. State ex rel. Pub. Works Bd.*, 108 Nev. 605, 610, 836 P.2d 633, 636 (1992) ("When construing a specific portion of a statute, the statute should be read as a whole, and, where possible, the statute should be read to give meaning to all of its parts."). NRS 125B.020(1)-(2) state that the "parents of the child . . . have a duty to provide the child necessary maintenance," and "they are also liable . . . for [the child's] funeral expenses." Thus, when NRS 125B.020(3) states that "[t]he father is also liable," the use of the word "father" instead of "they" or "parents" is a specific choice used to indicate that the father of the child is required to pay all the expenses of a mother's pregnancy and confinement. Thus, Rosser's statutory interpretation argument fails.[4]

Attorney Fees

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[4]Rosser also asserts that the statute violates the Equal Protection Clause but he fails to provide any relevant legal authority supporting this argument. Thus, this court need not consider it. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38.

Rosser argues that the district court did not make adequate findings of fact and abused its discretion when it awarded attorney fees to Taylor. Taylor argues that the court made adequate findings of fact, both on Rosser's ability to pay during his testimony and on the *Brunzell* factors, that the court considered, *see Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), such that the court did not abuse its discretion.

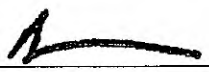
This court reviews an award of attorney fees for an abuse of discretion and will affirm an award that is supported by substantial evidence. *Logan v. Abe*, 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015). In Nevada, the district court may award attorney fees only when authorized by rule, statute or contract. *Henry Prods., Inc. v. Tarmu*, 114 Nev. 1017, 1020, 967 P.2d 444, 446 (1998). The Nevada Supreme Court has provided four factors that district courts must consider when determining a reasonable amount of attorney fees to be awarded. *Brunzell*, 85 Nev. at 349, 455 P.2d at 33.

Here, the district court awarded attorney fees to Taylor under NRS 125C.250, which allows the award of attorney fees in a child custody action. Taylor submitted a memorandum of fees and costs that discussed all the *Brunzell* factors and attached extensive exhibits showing the costs and fees she incurred during the litigation, and she asked for $100,434.81. The district court reviewed the *Brunzell* factors presented in Taylor's motion—which included information on Taylor's and Rosser's income—and awarded $60,000 to Taylor, which was significantly less than the amount Taylor requested. The district court deemed this amount reasonable. Although the court did not expressly address the differences in the income of the parties, *see Wright v. Osburn*, 114 Nev. 1367, 1370, 970 P.2d 1071, 1073 (1998), the record as whole shows that it did consider it, *see Logan*, 131

Nev. at 266, 350 P.3d at 1143 ("While it is preferable for a district court to expressly analyze each factor relating to an award of attorney fees, express findings on each factor are not necessary for a district court to properly exercise its discretion."). Thus, the award was supported by substantial evidence and the district court did not abuse its discretion when awarding Taylor attorney fees.

Based on the foregoing, we

ORDER the judgment of the district court AFFIRMED.[5]



_____, C.J.
Bulla

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Gibbons

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Westbrook

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[5]Lastly, Rosser argues that the case should be reassigned to a different district court judge on remand because the judge during the trial was biased against Rosser. However, this case is not being remanded. And, even if the parties were to move for a modification of child custody, that judge no longer serves on the district court bench in the Eighth Judicial District, and this case must be reassigned to a new department for any future matter concerning this case. Thus, the issue of reassignment is moot. *See Personhood Nev. v. Bristol*, 126 Nev. 599, 602, 245 P.3d 572, 574 (noting that while a live controversy may exist at the beginning of a case, subsequent events may render it moot). Further, insofar as Rosser raised arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.

cc: Eighth District Court, Family Division, Department N
Chief Judge, Eighth District Court
Ara H. Shirinian, Settlement Judge
Roberts Stoffel Family Law Group
Kelleher & Kelleher, LLC
Eighth District Court Clerk