


IN THE SUPREME COURT OF THE STATE OF NEVADA

LESLIE C. KENNEDY,
Appellant,
vs.
ALICE F. KENNEDY,
Respondent.

No. 44033

FILED

FEB 08 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying an NRCP 60(b) motion to set aside portions of a divorce decree. Eighth Judicial District Court, Family Court Division, Clark County; Lisa Brown, Judge.

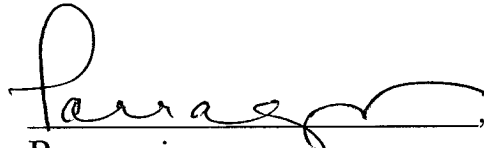
The parties were granted a divorce in 1986. Under the decree, respondent was awarded a 4/15 interest in appellant's Las Vegas Metropolitan Police Department pension plan. Neither party appealed from the final divorce decree. Subsequently, in May 1987, appellant was convicted of bigamy.

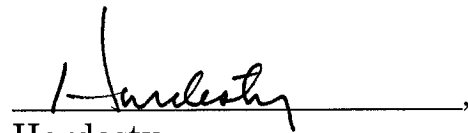
Thereafter, in 2004, respondent moved the district court to enforce the divorce decree as it pertained to the pension. Apparently, respondent was not receiving her interest in the pension. Appellant opposed respondent's motion and filed a countermotion to set the divorce decree aside as void, on the basis that he was a convicted bigamist. Appellant also contended that he was not the person who signed the actual marriage certificate. The district court concluded that the time for challenging the divorce decree had long passed and that appellant should have raised any issues concerning the marriage certificate during the

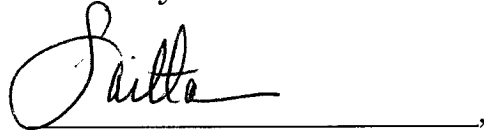
divorce proceedings. Thus, the district court declined to set aside the divorce decree. This appeal followed.

The district court has broad discretion in deciding whether to grant or deny an NRCP 60(b) motion to set aside a judgment, and this court will not disturb that decision absent an abuse of discretion.¹ Having reviewed the briefs and appendices and considered appellant's arguments, we are not persuaded that the district court abused its discretion in denying appellant's motion.² Accordingly, we

ORDER the judgment of the district court AFFIRMED.³


Parraguirre J.


Hardesty J.


Saitta J.

¹Cook v. Cook, 112 Nev. 179, 912 P.2d 264 (1996).

²See id.; see also Williams v. Williams, 120 Nev. 559, 97 P.3d 1124 (2004).

³Alternatively, appellant contends, for the first time on appeal, that the district court abused its discretion when it awarded respondent 4/15 in his pension because it was not an equal distribution of the community share in the pension. Because there is no indication in the record that appellant raised this issue with the district court, the issue is waived on appeal, and we will not consider it. See Old Aztec Mine, Inc. v. Brown, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981).

cc: Hon. Lisa Brown, District Judge, Family Court Division
John J. Graves Jr., Settlement Judge
Dan M. Winder
Thomas Stafford
Clark County Clerk