

IN THE SUPREME COURT OF THE STATE OF NEVADA

No. 34784

GABRIELLA PODESTA', F/K/A  
GABRIELLA GUTSTEIN,

Appellant,

vs.

JAY S. GUTSTEIN,

Respondent.

**FILED**

JUL 18 2000

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richard*  
CHIEF DEPUTY CLERK

ORDER DISMISSING APPEAL

This is a proper person appeal from a district court order finding appellant in contempt and imposing sanctions of \$1,500, reducing child support arrears to judgment, awarding \$1,000 to respondent for attorneys' fees, defining visitation, and denying an application for a temporary protective order.<sup>1</sup>

This court will uphold a district court order of contempt unless it appears that the district court abused its discretion. *Guerin v. Guerin*, 114 Nev. 127, 953 P.2d 716 (1998). NRS 22.010(3) provides that "[d]isobedience or resistance to any lawful writ, order, rule or process issued by the court" shall be deemed a contempt. NRS 22.100 provides

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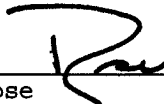
<sup>1</sup>We note that no appeal may be taken from an order denying a motion for a temporary protective order. See NRAP 3A(b)(2); *Taylor Constr. Co. v. Hilton Hotels*, 100 Nev. 207, 678 P.2d 1152 (1984) (holding that no appeal may be taken where not authorized by rule or statute); see also *Sugarman Co. v. Morse Bros.*, 50 Nev. 191, 255 P. 1010 (1927) (indicating that no appeal may be taken from a temporary restraining order). In addition, it appears that the portion of the order dealing with visitation issues was an interim order, to be in effect until appellant obtained a regular work schedule. An interim visitation order is not appealable. See NRAP 3A(b)(2). However, to the extent that the order finally determined visitation, we conclude that the district court did not abuse its discretion. See *Wallace v. Wallace*, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996) (holding that matters of custody, including visitation, rest in the sound discretion of the trial court).

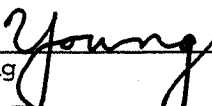
that penalties for contempt may include a fine of no more than \$500, or 25 days in jail. Here, the record shows that the district court had ordered that appellant was required to notify respondent of all matters related to the health of the child, and that appellant clearly failed to do so on three separate occasions. Accordingly, the district court did not abuse its discretion in finding appellant in contempt and imposing sanctions for each contempt.

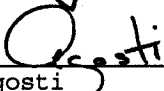
We further conclude that the district court did not err in reducing the child support arrears to judgment. See NRS 125B.140. In addition, the district court did not abuse its discretion in awarding attorneys' fees to respondent. See NRS 125B.140(2)(c)(2); Sprenger v. Sprenger, 110 Nev. 855, 878 P. 2d 284 (1994) (concluding that an award of attorney fees in divorce proceedings lies within the sound discretion of the trial judge).

Having discerned no error or abuse of discretion warranting reversal, we

ORDER this appeal dismissed.<sup>2</sup>

  
\_\_\_\_\_, C.J.  
Rose

  
\_\_\_\_\_, J.  
Young

  
\_\_\_\_\_, J.  
Agosti

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<sup>2</sup>Although appellant was not granted leave to file papers in proper person, see NRAP 46(b), we have considered the proper person documents received from appellant.

cc: Hon. T. Art Ritchie, Jr., District Judge,  
Family Court Division  
Gabriella Podesta'  
Jay S. Gutstein  
Clark County Clerk