

IN THE SUPREME COURT OF THE STATE OF NEVADA

FREDERICK MICHAEL KLINGLER,
Appellant,
vs.
ANGELA DAWN KLINGLER,
Respondent.

No. 53098

FILED

FEB 05 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order concerning child support and attorney fees. Second Judicial District Court, Family Court Division, Washoe County; Deborah Schumacher, Judge.

On appeal, appellant argues that the district court erred by (1) denying him additional attorney fees in relation to a 2006 motion filed by respondent (the "2006 Motion"), (2) failing to sanction respondent's attorney in relation to the 2006 Motion, (3) failing to order respondent to reimburse appellant for certain child support payments and insurance payments, (4) failing to refer Deputy District Attorney Janice Hubbard to the Nevada State Bar, and (5) awarding attorney fees to respondent in connection with the instant action.

First, the district court did not abuse its discretion by denying as time-barred appellant's motion for additional attorney fees when it was filed more than one year after the entry of the order partially granting attorney fees. NRCP 60(b). Moreover, appellant did not file an independent action for fraud, which would not be subject to NRCP 60(b)'s time constraints. Additionally, appellant could have sought sanctions in

2006, but he chose not to do so. See NRCP 11(c)(1)(A). Again, he has not identified any reason why the district court should have revisited the issue years later.

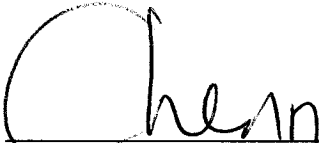
Next, appellant's requests for reimbursements of (1) \$58 per month for the time when both parties carried health insurance on their child, (2) \$500 per month for the time when the parties allegedly shared physical custody, and (3) \$22.50 per month for the time when appellant alone carried health insurance on their child, amounted to requests for the district court to retroactively modify the child support order. Accordingly, the district court did not err by denying them. See NRS 125B.140(1)(a); see also Day v. Day, 82 Nev. 317, 320-21, 417 P.2d 914, 916 (1966) ("Payments once accrued for either alimony or support of children become vested rights and cannot thereafter be modified or voided.").


To the extent that appellant believes that the district court violated NCJC Canon 3D(2) by failing to refer Deputy District Attorney Hubbard to the Bar, the appropriate body to address such a complaint is the Commission on Judicial Discipline. NRS 1.440(1).

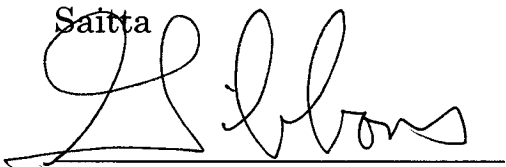
Finally, because the district court had authority to award attorney fees and considered the relevant factors, it did not abuse its discretion by granting respondent attorney fees. See Mack-Manley v. Manley, 122 Nev. 849, 859-60, 138 P.3d 525, 532-33 (2006) (holding that the district court may award attorney fees in a post-divorce action); see also Brunzell v. Golden Gate Nat'l Bank, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969) (identifying the factors to be considered when determining the appropriate amount of attorney fees).

Because we conclude that the district court did not err by denying appellant's motion requesting additional attorney fees, sanctions, and child support modification, or abuse its discretion in awarding attorney fees to respondent, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Cherry


_____, J.
Saitta


_____, J.
Gibbons

cc: Hon. Deborah Schumacher, District Judge, Family Court Division
Frederick Michael Klingler
Bonnie G. Mahan
Washoe District Court Clerk