

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN J. HANN,  
Appellant,  
vs.  
DONNA M. HANN,  
Respondent.

No. 54757

**FILED**

SEP 28 2010

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

ORDER AFFIRMING IN PART,  
REVERSING IN PART AND REMANDING

This is a proper person appeal from a district court divorce decree and a post-decree order denying appellant's request to modify child and spousal support.<sup>1</sup> Eighth Judicial District Court, Family Court Division, Clark County; Charles J. Hoskin, Judge.

Appellant contends that the district court abused its discretion when it (1) denied his request for a continuance, (2) attributed income to appellant without sufficient evidence, (3) awarded respondent spousal support, (4) denied appellant's motion to modify spousal and child support,

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<sup>1</sup>To the extent that appellant seeks to challenge the district court's order modifying a temporary custody award that gave the parties joint physical custody to awarding respondent primary physical custody, we note that this court lacks jurisdiction to consider this issue, as appellant is not aggrieved from that decision because he stipulated to awarding respondent primary physical custody. NRAP 3A(a); Valley Bank of Nevada v. Ginsburg, 110 Nev. 440, 446, 874 P.2d 729, 734 (1994) (explaining when a party is aggrieved); Vinci v. Las Vegas Sands, 115 Nev. 243, 984 P.2d 750 (1999) (providing that when a party stipulates to the entry of an order, that person cannot later attack it as adversely affecting that party's rights).

and (5) awarded respondent shares in a corporation. Having considered the parties' arguments and the district court record, we conclude that the district court did not abuse its discretion on these points. Southern Pac. Transp. Co. v. Fitzgerald, 94 Nev. 241, 577 P.2d 1234 (1978) (providing that a motion for continuance in order to conduct additional discovery is addressed to the district court's sound discretion); Barry v. Lindner, 119 Nev. 661, 670, 81 P.3d 537, 543 (2003) (affirming the district court's imputation of income when supported by substantial evidence); Daniel v. Baker, 106 Nev. 412, 414, 794 P.2d 345, 346 (1990) (holding that the district court's spousal support decision will not be overturned absent an abuse of discretion); Wallace v. Wallace, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996) (recognizing that child support awards will not be disturbed absent an abuse of discretion); Shydler v. Shydler, 114 Nev. 192, 196, 954 P.2d 37, 39 (1998) (providing that the district court's property disposition will be upheld if supported by substantial evidence). On these issues, the district court properly considered the circumstances and evidence presented, or lack thereof, and did not abuse its discretion in denying appellant's request for a continuance, attributing income to appellant, awarding respondent spousal support, denying appellant's motion to modify spousal or child support, or in awarding all of the corporate shares to respondent.

Appellant also challenges the district court's award of child support arrears. We conclude that the district court did not abuse its discretion when it ordered appellant to pay child support arrears for ten months even though child support had not been previously ordered. See Wallace, 112 Nev. at 1019, 922 P.2d at 543 (providing that a district court's order regarding child support is reviewed for an abuse of


discretion). The order directing that no child support would be paid was a temporary order and also provided that retroactive child support could be ordered if the court found that either party had misrepresented his income. In the final decree, the district court found that appellant had misrepresented his income. Thus, no abuse of discretion occurred when the district court required appellant to pay support for the previous ten months.


The district court did, however, abuse its discretion in calculating the child support arrears due from appellant. Id. Here, the district court record demonstrates that the district court ordered appellant to pay \$1,175 for ten months. But from December 2008 to June 2009, the parties were awarded joint physical custody of the children based on the timeshare that had been exercised by the parties during their separation. When the parties share joint physical custody, the district court is required to calculate child support by using the Wright calculation. Wright v. Osburn, 114 Nev. 1367, 970 P.2d 1071 (1998). Instead, the district court ordered appellant to pay \$1,175 for ten months, which included the months that the parties shared joint physical custody. When the district court failed to use the Wright calculation for the time period that the parties shared joint physical custody, it abused its discretion in calculating appellant's child support arrears.

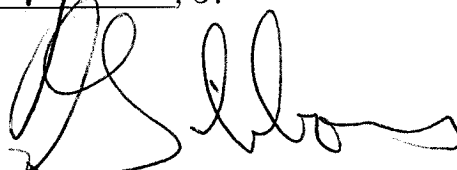
Because the district court did not abuse its discretion when it denied appellant's request for a continuance, attributed income to appellant, awarded respondent spousal support, denied appellant's motion to modify spousal and child support, awarded respondent corporate shares, or when it ordered appellant to pay child support arrears, but did

abuse its discretion in calculating the amount of child support arrears owed by appellant, we

ORDER the judgment of the district court AFFIRMED IN PART AND REVERSED IN PART AND REMAND this matter to the district court for proceedings consistent with this order.

  
\_\_\_\_\_, J.  
Saitta

  
\_\_\_\_\_, J.  
Cherry

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

cc: Hon. Charles J. Hoskin, District Judge, Family Court Division  
Steven J. Hann  
McConnell Law Group, Ltd.  
Eighth District Court Clerk