

IN THE SUPREME COURT OF THE STATE OF NEVADA

KHEDER CHATTAH,  
Appellant,  
vs.  
SIGAL CHATTAH,  
Respondent.

No. 61373

**FILED**

JUL 24 2014

TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY R. Malone  
DEPUTY CLERK

*ORDER AFFIRMING IN PART,  
REVERSING IN PART AND REMANDING*

This is an appeal from a district court divorce decree. Eighth Judicial District Court, Family Court Division, Clark County; Cynthia Dianne Steel, Judge.

In the divorce decree, the district court awarded respondent attorney fees and costs not to exceed \$20,000. On appeal, appellant challenges this award of attorney fees and costs to respondent. He specifically argues that the district court abused its discretion in awarding respondent attorney fees because respondent earns a significantly higher income than he does. He also argues that the district court abused its discretion in calculating the attorney fees award because it does not reflect a reasonable amount of attorney fees.

Having reviewed the record and the parties' briefs, we conclude that the district court did not abuse its discretion in awarding respondent attorney fees and costs. *See Miller v. Wilfong*, 121 Nev. 619, 622, 119 P.3d 727, 729 (2005) (recognizing that a district court's decision as to attorney fees in divorce proceedings is reviewed for an abuse of discretion). In particular, appellant failed to include in the record any

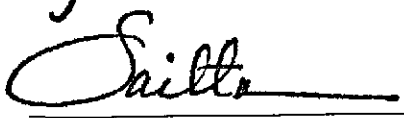
evidence demonstrating that respondent earns a greater income than appellant or any evidence demonstrating that the district court abused its discretion in awarding respondent attorney fees and costs. *See Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 134-35 (2007) (explaining that an appellant is responsible for providing this court with an adequate appellate record and when the appellant fails to include necessary documentation in the record, this court will presume that the omitted portion of the record supports the district court's decision). Accordingly, we affirm the district court's decision to award respondent attorney fees and costs.

Notwithstanding, we conclude that the district court did abuse its discretion in calculating the amount of the attorney fees award because neither the divorce decree nor any other document in the record presented demonstrates that the district court considered the factors under *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969), when calculating the reasonableness of the attorney fees and costs award. *See Miller*, 121 Nev. at 623-24, 119 P.3d at 730 (providing that a district court must evaluate the *Brunzell* factors when awarding attorney fees). Accordingly, we reverse the amount of attorney fees awarded to respondent and remand this matter to the district court for further proceedings in light of *Brunzell*.

It is so ORDERED.

  
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Pickering, J.

  
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Parraguirre, J.

  
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Saitta, J.

cc: Hon. Cynthia Dianne Steel, District Judge, Family Court Division  
Robert E. Gaston, Settlement Judge  
McCoy Law Group  
Sigal Chattah  
Eighth District Court Clerk