

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ISRAEL BARLOW,
Appellant,
vs.
JULIE YOUNG,
Respondent.

No. 69934

FILED

APR 28 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Appellant Israel Barlow appeals from a district court order denying NRCP 60(b) relief in a child support arrearages matter.¹ Eighth Judicial District Court, Family Court Division, Clark County; Rena G. Hughes, Judge.

In the underlying matter, respondent Julie Young, through the Clark County District Attorney, Family Support Division (DAFS),² sought to enforce an order entered in 1988 by the Washington State Department of Social and Health Services (Washington DSHS) imposing a

¹The Nevada Supreme Court previously dismissed the portion of this appeal seeking to challenge the district court's order denying sanctions against attorneys in the Clark County District Attorney's office. (Order Dismissing Appeal in Part, Denying Motion for Stay, and Modifying Caption, August 9, 2016). Thus, our consideration of this appeal is limited to the denial of Barlow's motion for NRCP 60(b) relief. *See id.*

²In his informal brief, Barlow raises a question of whether Young or DAFS is the respondent in this proceeding. Under NRS 125B.150, DAFS is acting in the public service at the request of Young. To the extent Barlow seeks to challenge this arrangement, we decline to consider this issue because it was not raised in the district court. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) ("A point not urged in the trial court . . . is deemed to have been waived and will not be considered on appeal.").

child support obligation on Barlow. A hearing master recommended that the Washington order be enforced. Barlow's objection to that motion was not timely filed, and the district court affirmed the master's recommendation. Thereafter, Barlow moved to set aside the district court's order affirming the hearing master's recommendation under NRCP 60(b), arguing that DAFS committed fraud upon the court by misrepresenting that he had failed to timely file his objection to the hearing master's recommendation. The district court denied Barlow's objection, and this appeal followed.

On appeal, Barlow's only assertions relating to the denial of NRCP 60(b) relief are that he timely submitted his written objection, but that the court clerk did not file it until after the deadline had passed because he had a motion for leave to proceed in forma pauperis pending, and that DAFS falsely maintained that he did not timely file the objection. DAFS asserts that its representation that Barlow's objection was untimely was truthful, and thus, that NRCP 60(b) relief was properly denied.


Having considered the parties' arguments and the record before us, we conclude that the district court did not abuse its discretion by denying NRCP 60(b) relief based on fraud because Barlow did not demonstrate that DAFS committed fraud when it represented that Barlow's objections to the hearing master's recommendations were untimely filed.³ See *Cook v. Cook*, 112 Nev. 179, 181-82, 912 P.2d 264, 265

³To the extent that Barlow argues the district court is enforcing a non-existent order, although the hearing master misidentified the order as originating from Snohomish County, Washington, rather than from Washington DSHS, the context demonstrated that the hearing master was referring to the Washington DSHS order. And because we conclude that Barlow failed to establish that he should have been granted NRCP 60(b) relief, we do not reach his additional arguments regarding the validity of the Washington DSHS order.

(1996) (explaining that the district court's decision to deny an NRCP 60(b) motion will not be disturbed absent an abuse of discretion). And because he did not present any other basis for relief from the judgment, we affirm the district court's order denying his NRCP 60(b) motion.

It is so ORDERED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Rena G. Hughes, District Judge, Family Court Division
Israel Barlow
Clark County District Attorney/Family Support Division
Eighth District Court Clerk