

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NAN MILLEN JONES,
Appellant,
vs.
ROBERT DONALD JONES,
Respondent.

No. 73648

FILED

OCT 17 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

Nan Jones appeals from a district court order denying a motion for relief from judgment. Eighth Judicial District Court, Family Court Division, Clark County; Denise L. Gentile, Judge.

Respondent Robert Jones filed for divorce in Michigan, where he resides, and was awarded certain real property located in Nevada, where Nan resides. After domesticating the foreign divorce decree in Nevada, Robert moved to enforce the decree, which the district court granted over Nan's opposition. Nan subsequently filed a motion for relief from judgment pursuant to NRCP 60(b), asserting that the decree is void as Michigan did not have jurisdiction to enter the decree. The district court denied Nan's motion, and this appeal followed.

The district court has broad discretion in deciding whether to grant or deny a motion pursuant to NRCP 60(b), and this court will not disturb that decision absent an abuse of discretion. *Cook v. Cook*, 112 Nev. 179, 181-82, 912 P.2d 264, 265 (1996). Additionally, this court will not disturb a district court decision supported by substantial evidence, but the

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district court must apply the correct legal standard. *Doan v. Wilkerson*, 130 Nev. 449, 453, 327 P.3d 498, 501 (2014).

Here, the Michigan court granted the parties a divorce and divided the marital assets. Nan asserts that Michigan never obtained jurisdiction to divide the parties' property¹ and, therefore, the divorce decree is void. "The full faith and credit clause of the United States Constitution requires that a final judgment entered in a sister state must be respected by the courts of this state absent a showing of fraud, lack of due process or lack of jurisdiction in the rendering state." *Rosenstein v. Steele*, 103 Nev. 571, 573, 747 P.2d 230, 231 (1987); *see also Pecoraro v. Rostagno-Wallat*, 291 Mich. App. 303, 315 (2011) ("Before a court is bound by a judgment rendered in another state, however, it may inquire into its jurisdictional basis, and if either personal or subject-matter jurisdiction is lacking, full faith and credit is not due."); U.S. Const. art. IV, § 1.

Thus, the question before the district court was whether Michigan obtained jurisdiction over Nan, such that the Michigan divorce decree was entitled to full faith and credit in Nevada. The district court correctly found in its order that this jurisdictional question created questions of fact for the court, which would require an evidentiary hearing, but ultimately concluded that because the Michigan court would be better suited to address the issue, Nan's motion was denied.


¹Nan agrees that the Michigan court was permitted to grant the parties a divorce, returning their status to single, unmarried individuals.

While it is true that the Michigan court may address whether it properly exercised jurisdiction, in determining whether to enforce the divorce decree in Nevada, a Nevada district court can also review whether Michigan had jurisdiction to enter the divorce decree. *See Durfee v. Duke*, 375 U.S. 106, 111 (1963) (explaining that when enforcing a foreign judgment, a court may constitutionally inquire into the foreign court's jurisdiction to render the judgment, but noting that full faith and credit is due to the foreign court's jurisdictional decision if jurisdiction was fully and fairly litigated, and finally decided by the foreign court); *Pecoraro*, 291 Mich. App. at 315 (stating that before giving full faith and credit to a foreign judgment, a court may inquire into the foreign court's jurisdictional basis); *cf. Mizner v. Mizner*, 84 Nev. 268, 271, 439 P.2d 679, 681 (1968) (reviewing whether California obtained jurisdiction over a Nevada resident before entering a divorce decree awarding alimony). Because the district court made no findings or ruling as to whether Michigan had jurisdiction to grant the divorce decree, on this record, we are unable to determine whether the district court abused its discretion in denying Nan's motion for relief from the judgment.² Accordingly, we

²We note that the record indicates the Michigan court appears to have denied a motion to dismiss for lack of jurisdiction, but the court did not indicate the basis for the denial. Because nothing else in the record indicates what transpired before the Michigan court and because the Nevada district court failed to make any findings in the proceedings below, including with regard to the Michigan court's order, it is unclear whether the jurisdictional issue was fully litigated in Michigan.

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.³


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Denise L. Gentile, District Judge, Family Court Division
Nan Millen Jones
Relief Lawyers LLC
Eighth District Court Clerk

³To the extent Nan is appealing the district court's order denying Nan's motion to quash a bench warrant, she has provided no argument as to that decision and we need not consider it. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) ("Issues not raised in an appellant's opening brief are deemed waived.").