

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARC KEKOA MINAMI,
Appellant,
vs.
LYDIA BACCARO MINAMI,
Respondent.

No. 74382-COA

FILED

FEB 20 2019

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

ORDER OF REVERSAL

Marc Kekoa Minami appeals from a district court order resolving a post-divorce decree motion. Eighth Judicial District Court, Clark County; Vincent Ochoa, Judge.

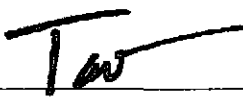
Following entry of the underlying divorce decree, a dispute arose between Marc and his former wife, respondent Lydia Baccaro Minami, regarding their respective interests in Marc's military retirement benefits under the decree. The district court determined that the relevant portion of the decree was ambiguous, resolved that ambiguity in Lydia's favor, and, as a result, concluded that she was entitled to her community property share of Marc's benefits. This appeal followed.


On appeal, Marc argues, among other things, that Lydia was not entitled to any portion of his benefits under the decree's clear and unambiguous language. Lydia, who is represented by counsel on appeal, failed to file an answering brief, even though she received two extensions of time to do so while this matter was pending before the supreme court, as well as a warning that her failure to file an answering brief may subject her to sanctions. *See, e.g., Minami v. Minami*, Docket No. 74382 (Order Granting Motion, August 2, 2018). Because Lydia therefore failed to

address Marc's appellate arguments, we elect to treat her non-response as a confession of error. *See Bates v. Chronister*, 100 Nev. 675, 682, 691 P.2d 865, 870 (1984) (concluding that respondents confessed error by failing to respond to appellant's argument). Consequently, we conclude that the decree's clear and unambiguous language did not entitle Lydia to any portion of Marc's benefits. Accordingly, we

ORDER the judgment of the district court REVERSED.


_____, A.C.J.
Douglas


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Vincent Ochoa, District Judge
Mitchell D. Stipp
Roberts Stoffel Family Law Group
Eighth District Court Clerk