

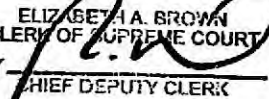
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ELISA ANNE GILES-PAREKH, N/K/A
ELISA GILES,
Appellant,
vs.
BHAUMIK PAREKH,
Respondent.

No. 79985-COA

FILED

SEP 15 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

Elisa Anne Giles-Parekh n/k/a Elisa Giles appeals from a decree of divorce. Eighth Judicial District Court, Family Court Division, Clark County; T. Arthur Ritchie, Jr., Judge.

In the proceedings below, Giles filed a complaint for annulment or, in the alternative, divorce. Respondent Bhaumik Parekh filed an answer and counterclaim, and Giles filed an answer to the counterclaim. The district court set the matter for a case management conference, to be heard on October 2, 2019. On September 10, 2019, Giles filed a notice of intent to appear telephonically and a motion to appear telephonically, as she is currently incarcerated. On September 18, 2019, she filed an amended motion to appear telephonically. At the case management conference on October 2, Parekh was present and Giles was not. The district court had Parekh sworn, took his testimony, and granted the parties a divorce and denied Giles' request to appear telephonically. The court then entered a written decree of divorce dividing the parties' community property. This appeal followed.

This court reviews the district court's division of property for an abuse of discretion. *Schwartz v. Schwartz*, 126 Nev. 87, 90, 225 P.3d 1273,

1275 (2010). And this court will not disturb a district court's decision that is supported by substantial evidence. *Williams v. Williams*, 120 Nev. 559, 566, 97 P.3d 1124, 1129 (2004). "Although this court reviews a district court's discretionary determinations deferentially, deference is not owed to legal error, or to findings so conclusory they may mask legal error." *Davis v. Ewalefo*, 131 Nev. 445, 450, 352 P.3d 1139, 1142-43 (2015) (internal citations omitted).

On appeal, Giles challenges the divorce decree, asserting that the district court violated her due process rights by holding an evidentiary hearing at the time set for the case management conference and depriving her of an opportunity to be heard. Due process requires reasonable notice and an opportunity to present objections. *Gonzales-Alpizar v. Griffith*, 130 Nev. 10, 20, 317 P.3d 820, 827 (2014).

Here, the district court set the matter for a case management conference, but at that hearing, the court disposed of the entire case, granting a divorce and dividing the parties' community property. Moreover, the district court denied Giles' request to appear telephonically. Based on these facts, we cannot say that Giles received reasonable notice of the proceedings and an opportunity to be heard. *See id.* Further, we note that Parekh has failed to timely file a responsive brief in this matter, despite this court's order directing him to do so. Thus, his failure to file a brief may be treated as a confession of error. NRAP 31(d)(2).

To the extent Giles also challenges the district court's division of community property, the district court "[s]hall, to the extent practicable, make an equal disposition of the community property." NRS 125.150(1)(b). But the court may divide the community property unequally "as it deems just if the court finds a compelling reason to do so and sets forth in writing

the reasons for making the unequal disposition.” *Id.* Although reversal and remand is necessary because of the due process issue discussed above, we note that the decree contains no findings as to the value of the community property. Therefore, it is impossible for this court to determine whether the decree divides the community property equally or, if not, whether there was a basis for dividing it unequally. Thus, on remand, after reasonable notice to the parties and an opportunity for the parties to be heard, the district court should make appropriate findings supporting its division of the community property in the final decree of divorce.

Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

¹Insofar as Giles raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.

cc: Hon. T. Arthur Ritchie, Jr., District Judge, Family Court Division
Elisa Anne Giles-Parekh
Bhaumik Parekh
Eighth District Court Clerk