

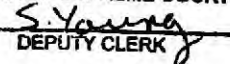
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NAKIA DAWN BAHNS,
Appellant,
vs.
KLYDE WOLF VON BRAUER, N/K/A
KEVIN MICHAEL HUBER,
Respondent.

No. 79773-COA

FILED

OCT 16 2020

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Nakia Dawn Bahns appeals from a district court order denying relief pursuant to NRCP 60(b) in a divorce action. Eighth Judicial District Court, Family Court Division, Clark County; Rena G. Hughes, Judge.

In the proceedings below, Nakia and respondent Klyde Von Brauer (n/k/a Kevin Huber) filed a joint petition for divorce and were divorced by way of a stipulated decree of divorce filed in 2014. In their petition and subsequent decree, the parties indicated that they had no minor children together despite the fact that they share a minor child born prior to the parties' marriage. In January 2018, because the decree did not contain any custody provisions, Kevin filed a separate complaint for custody. In June 2019, Nakia filed a motion to set aside the divorce decree in the underlying action, alleging that she was never served and that Kevin deceived her, convincing her that the joint petition would include a custody agreement. The district court denied Nakia's motion, concluding that the motion was untimely as it was filed nearly five years after the divorce decree was filed. The court found that Nakia knew or should have known within the last five years that the decree did not include a custody provision, such that the motion was not filed within a reasonable amount of time, and any

contention that Nakia did not know the decree did not provide for custody was not credible. This appeal followed.

On appeal, Nakia challenges the district court's denial of her motion to set aside the decree pursuant to NRCP 60(b). The district court has broad discretion in deciding whether to grant or deny an NRCP 60(b) motion to set aside a judgment, 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).

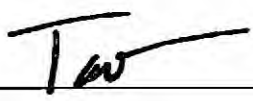
In her brief, Nakia primarily asserts that the district court lacked jurisdiction to enter a custody order pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, that the court's order in the child custody case violated her constitutional rights, that her parental rights have been terminated, and makes several allegations that the district court acted improperly. But Nakia has failed to offer any argument addressing the basis for the district court's denial of her motion to set aside in the divorce action or challenging the district court's conclusion that the motion was untimely. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (noting that issues not raised on appeal are deemed waived). And based on this court's review of the record on appeal, we cannot say that the district court abused its discretion in concluding that the motion was not filed within a reasonable time and that any assertion that Nakia did not know the decree did not contain a child custody provision was not credible. *See Cook*, 112 Nev. at 181-82, 912 P.2d at 265; *see also Ellis v. Carucci*, 123 Nev. 145, 152, 161 P.3d 239, 244 (2007) (explaining that this court does not make credibility determinations on appeal).

To the extent Nakia attempts to also appeal the “Order from April 30, 2019 Hearing” filed on September 5, 2019, in the child custody case, that order is not properly before this court as it is not a final, appealable order and was not entered in the district court case underlying this appeal. See NRAP 3A; *Taylor Constr. Co. v. Hilton Hotels*, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984) (providing that the appellate courts only have jurisdiction to consider appeals authorized by statute or court rule). Moreover, we note that the Nevada Supreme Court has already dismissed Nakia’s separate appeal from that same order, also concluding that the order is not appealable. *Bahns v. Huber*, Docket No. 79774 (Order Dismissing Appeal, October 23, 2019).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

¹Insofar as the parties raise 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. Rena G. Hughes, District Judge, Family Court Division
Nakia Dawn Bahns
Klyde Wolf Von Brauer
Eighth District Court Clerk