

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SAMANTHA REED,  
Appellant,  
vs.  
DANIEL REED,  
Respondent.


No. 86194-COA

**FILED**

JUL 01 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT

ORDER OF AFFIRMANCE

BY  DEPUTY CLERK

Samantha Reed appeals from a district court post-judgment order denying a motion to set aside portions of the divorce decree. Sixth Judicial District Court, Humboldt County; Michael Montero, Judge.

Samantha and respondent Daniel Reed were married and have two minor children. They were later divorced by way of a jointly submitted decree of divorce which provided, as relevant here, that the parties would share joint legal and physical custody of the minor children. The decree further determined that neither party would pay child support, noting that “[b]oth parents are low on income and wish to support the children on their own during their [parenting] time,” and that an award of “[a]limony is not appropriate in this case.”

Samantha later moved to set aside the divorce decree to the extent it provided that alimony was not appropriate so that the district court could make an award of alimony to her. She contended that this portion of the decree should be set aside under NRCP 60(b) because she had only agreed to that provision under duress. However, her sole argument regarding any alleged duress was a summary statement that she agreed to these terms so as to avoid arguing over “the asset[s] that would have

affected the outcome of the custody of the children.” Daniel filed a motion to dismiss Samantha’s motion, which the district court treated as an opposition, and Samantha filed a reply/opposition to Daniel’s filing.

The district court subsequently entered an order denying Samantha’s motion. In so doing, the court treated her motion as seeking to set aside the decree with regard to both the alimony and child support determinations. The court found that Samantha had provided no evidence of duress, and that the record demonstrated that the parties had jointly filed for divorce, with Samantha signing both the original and amended joint petitions for divorce. It further noted that she had these documents notarized and, in so doing, asserted that she had read the petitions and swore that their contents were true. As a result, the court concluded that Samantha had seemingly agreed to the terms of the decree—including those challenged in her motion—willingly and voluntarily. This appeal followed.

On appeal, Samantha argues that, in denying her motion for NRCP 60(b) relief, the district court improperly found that there was no duress, asserting that the parties’ “two filing for divorce show[ ] this.”<sup>1</sup> Daniel filed an answering brief disputing Samantha’s position and arguing that the challenged order should be affirmed.

The district court has wide discretion to grant or deny a motion to set aside a judgment, and its determination will not be disturbed on

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<sup>1</sup>On appeal, Samantha also presents new factual allegations to demonstrate duress. These allegations are presented for the first time on appeal, without any supporting documentation in the record. As a result, we do not consider them. *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.”).

appeal absent an abuse of that discretion. *Vargas v. J Morales Inc.*, 138 Nev. 384, 387, 510 P.3d 777, 780 (2022). As discussed above, Samantha's motion to set aside portions of the divorce decree was based on her contention that she only agreed to the challenged provisions under duress. But the district court rejected this assertion, noting that Samantha had provided nothing to support her claim of duress. Our review of the record before us supports the district court's conclusion on this point. Notably, the only supporting documents Samantha provided with her motion for NRCP 60(b) relief were copies of the parties' pre-divorce tax returns from 2018, 2019, and 2020, and she offered no argument or explanation indicating that these tax returns were relevant to her duress argument. Under these circumstances, we cannot conclude that the district court abused its discretion in denying Samantha's motion to set aside portions of the divorce decree based on her failure to provide any evidence to support her duress allegations. *Vargas*, 138 Nev. at 387, 510 P.3d at 780. Accordingly, we affirm the district court's order denying Samantha's motion for NRCP 60(b) relief.

It is so ORDERED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Bulla

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Michael Montero, District Judge  
Samantha Reed  
Daniel Reed  
Humboldt County Clerk