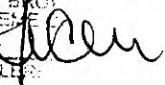


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MASON PAIS,  
Appellant,  
vs.  
GRECIA CORRAL,  
Respondent.

No. 88484-COA

FILED  
JAN 15 2025  
ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

*ORDER OF REVERSAL AND REMAND*

Mason Pais appeals from a decree of custody and district court denial of a NRCP 59 motion. Eighth Judicial District Court, Family Division, Clark County; Stacy Michelle Rocheleau, Judge.

Pais and respondent Grecia Corral were never married but share one minor child: E.P., born December 14, 2021. In August 2022, Pais filed a complaint for child custody seeking joint legal and physical custody. Corral filed an answer and counterclaim seeking sole legal and physical custody. The district court temporarily ordered joint legal and physical custody of the minor child pending an evidentiary hearing. In November 2023, the district court held an evidentiary hearing to determine child custody. At the close of the evidentiary hearing, the district court made oral findings on the record and awarded the parties joint legal custody but

awarded Corral primary physical custody.<sup>1</sup> The decree of custody was entered in January 2024.

In February 2024, Pais filed a motion to alter or amend the decree of custody or alternatively a motion for a new trial pursuant to NRCP 59, raising several arguments challenging the district court's custody determination and also contending that the court failed to make factual findings explaining its custody determination and failed to make findings pursuant to the NRS 125C.0035(4) best interest factors. Corral filed an opposition to the motion, including noting that the court made detailed best interest factors following closing arguments at the evidentiary hearing.

Subsequently, the district court entered an order denying Pais's motion and noted that, at the conclusion of the evidentiary hearing, it placed its findings on the record. The court also stated that the best interest factors outlined in NRS 125C.0035(4) were considered and stated on the record at the conclusion of the evidentiary hearing. Thus, the court found that Pais did not demonstrate a basis for NRCP 59 relief. This appeal followed.

On appeal, Pais argues, among other things, that the district court failed to make any findings to support its custody determination, and that the court failed to address or make findings regarding the child's best interest pursuant to NRS 125C.0035(4). In responding to this argument,

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<sup>1</sup>We note that the decree also ordered Pais to pay monthly child support in the amount of \$394.

Corral contends that the district court orally made detailed best interest findings on the record to support awarding her primary physical custody.<sup>2</sup>

This court reviews a custody determination for an abuse of discretion. *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 241 (2007). While this court gives deference to a district court's discretionary determinations, deference is not owed to legal error or to findings that are so conclusory as to mask legal error. *Davis v. Ewalefo*, 131 Nev. 445, 450, 352 P.3d 1139, 1142 (2015).

The district court's sole consideration when determining custody is the best interest of the child. *Ellis*, 123 Nev. at 149, 161 P.3d at 242; NRS 125C.0035(1). When evaluating a child's best interest, the district court must consider all twelve factors set forth in NRS 125C.0035(4), and a written custody decree must contain findings regarding those factors and tie the findings to the ultimate custody determination. *Davis*, 131 Nev. at

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<sup>2</sup>To the extent Corral asserts that the district court did not abuse its discretion in denying Pais's post-decree motion on the basis that it was a motion to reconsider disguised as a motion for a new trial and was not timely filed within the 14-day period required for motions for reconsideration, we are not persuaded by this argument. Pais's motion was brought pursuant to NRCP 59, which permits a party to file a motion to alter or amend a judgment within 28 days of written notice of entry of judgment, which Pais timely did. *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 585, 245 P.3d 1190, 1195 (2010) (explaining that, in determining whether a motion qualifies as a tolling motion, this court looks to whether the motion is in "writing, timely filed, states its grounds with particularity, and requests a substantive alteration of the judgment, not merely the correction of a clerical error, or relief of a type wholly collateral to the judgment." (internal quotation marks omitted)).

451, 352 P.3d at 1143 (“Crucially, the decree or order must tie the child’s best interest, as informed by specific, relevant findings respecting [the statutory factors] and any other relevant factors, to the custody determination made.”). But here, the custody decree contained no findings regarding the child’s best interest and it neither addressed nor analyzed any of the twelve best interest factors under NRS 125C.0035(4).

While the record suggests that the district court may have considered the factors orally at the hearing, under *Davis*, the court was required to include express, written findings regarding the best interest factors in its decree of custody. 131 Nev. at 451, 352 P.3d at 1143; *see also Lewis v. Lewis*, 132 Nev. 453, 459-60, 373 P.3d 878, 882 (2016) (requiring that district courts set forth specific findings as to the statutory best interest factors); *Crosier v. Crosier*, No. 87206-COA, 2024 WL 4660838, at \*2 (Nev. Ct. App. Oct. 31, 2024) (Order of Reversal and Remand) (noting that oral findings are insufficient as to the statutory best interest factors and the district court was required to consider all twelve factors in its written order). Thus, given the absence of any such findings in the custody decree, we conclude the district court abused its discretion in making its child custody determination. *Ellis*, 123 Nev. at 149, 161 P.3d at 241.


Based on the reasoning set forth above, we reverse the district court’s child custody decree and its order denying post-judgment relief, and remand for further proceedings consistent with this order.<sup>3</sup>


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<sup>3</sup>Given our resolution of this matter, we need not address Pais’s remaining appellate arguments.

It is so ORDERED.<sup>4</sup>

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

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

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

cc: Hon. Stacy Michelle Rocheleau, District Judge, Family Division  
Mason Pais  
Gastelum Law  
Eighth District Court Clerk

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<sup>4</sup>Pending further proceedings on remand, we leave in place the custody arrangement set forth in the custody decree, subject to modification by the district court. *See Davis*, 131 Nev. at 455, 352 P.3d at 1146 (leaving certain provisions of a custody order in place pending further proceedings on remand). And although we do not address Pais's child support obligation, in light of our reversal of the custody decree we note that the district court may need to revisit child support pending further proceedings on remand. Similarly, the court may need to revisit its decision to award attorney fees pending the outcome of the proceedings on remand.