

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

GIANA L. CURRERI,  
Appellant,  
vs.  
MARCUS C. MAYHALL,  
Respondent.

No. 90197-COA

**FILED**

**SEP 09 2025**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY Melissa J. Allen  
DEPUTY CLERK

*ORDER AFFIRMING IN PART  
AND DISMISSING IN PART*

Giana Curreri appeals from an order denying her motion to change custody and alternative motion for NRCP 60(b) relief. Second Judicial District Court, Family Division, Washoe County; Tamatha Schreinert, Judge.

Curreri and respondent Marcus Mayhall (Mayhall) are the parents of G.C.M. (born in 2015). The parties, who were never married, filed competing petitions for primary physical custody of G.C.M. in 2017. The parties ultimately stipulated to joint legal and physical custody in September 2017. In September 2019, Curreri filed a motion alleging Washoe County Child Protective Services (CPS) and law enforcement were investigating Mayhall for sexually abusing G.C.M. Curreri sought sole legal and physical custody based on the investigation and potential harm to G.C.M. Mayhall opposed the motion, alleging the investigations concluded the allegations were unsubstantiated and he believed Curreri was coaching their son. Following various hearings, the district court ultimately awarded Mayhall temporary primary physical custody and Curreri parenting time

because the court was concerned Curreri was subjecting the child to unnecessary physical examinations and forensic interviews through the investigations triggered by her unsubstantiated reports of sexual abuse. The parties were ordered to undergo a parenting evaluation, and the court indicated it would then reassess the temporary order.

Despite the order being temporary, the parties did not submit a request for review of the parenting evaluation until February 2021. The parties requested the district court enter a new custody order and provided the parenting evaluation, which indicated Curreri may suffer from paranoid personality disorder which impacts her ability to co-parent and caused harm to G.C.M by subjecting him to several investigations and physical examinations. Following multiple hearings, the district court entered a modified custody order that instructed the parties to begin reunification therapy and set an evidentiary hearing to determine a permanent custody arrangement. However, the parties subsequently entered a stipulation asking the court to vacate the evidentiary hearing and provide them with additional time to work through the reunification therapy. In April 2022, the parties stipulated to share joint legal and physical custody again.

In May 2023, Mayhall filed an emergency motion to suspend Curreri's parenting time, arguing Curreri was coaching G.C.M. to make false allegations of sexual abuse, and because of these allegations, law enforcement and CPS had once again been forced to investigate. Mayhall alleged the investigations concluded the allegations were unsubstantiated and despite this, Curreri took G.C.M. to the emergency room for another physical exam and this was causing G.C.M. emotional turmoil. Curreri filed

a counterpetition seeking to suspend Mayhall's parenting time, alleging Mayhall was sexually abusing G.C.M., was engaging in sex trafficking, and that his counsel committed fraud to coverup the allegations. Following an emergency hearing, at which a CPS investigator testified both CPS and law enforcement concluded the allegations against Mayhall were unsubstantiated, the district court awarded Mayhall temporary primary physical custody and awarded Curreri supervised visitation at the Family Peace Center. The district court indicated it would treat Mayhall's emergency motion as a motion to modify custody and set an evidentiary hearing for September 25, 2023.

Following an evidentiary hearing, at which Mayhall and Curreri both testified, the district court entered an order awarding Mayhall sole legal custody and primary physical custody of G.C.M. Curreri received weekly supervised parenting time, and the court ordered the parenting time would occur at either the Family Peace Center or an agreed upon neutral location, so long as the parties also agreed upon a neutral supervisor. The court additionally ordered G.C.M. remain in counseling and ordered Curreri seek treatment for her paranoid personality disorder or otherwise seek treatment focused on improving her communication with G.C.M. and Mayhall.

Relevant to this appeal, in November 2024, Curreri filed a notice and omnibus motion to modify custody; motion for judicial notice of facts on record; and alternative motion for NRCP 60(b) relief. Curreri argued that the prior investigations into the abuse allegations were inadequate and that the district court ignored evidence during the

September 2023 evidentiary hearing that proved Mayhall abused G.C.M. Curreri argued that there had thus been a material change in circumstances warranting custody modification. Additionally, Curreri requested the court take judicial notice “of facts duly recorded in the official record” but did not identify the facts she wished the court take notice of. Regarding the alternative motion for NRCP 60(b) relief, Curreri argued the court should vacate all prior orders in this case due to allegations of judicial and attorney misconduct dating back to 2017. Curreri further alleged the court was biased against her and allotted additional time for hearings that addressed Mayhall’s motions while limiting the amount of time her arguments received. Following a status hearing, the court informed Curreri her motion did not identify any changed circumstance that occurred after the 2023 custody order, and thus, it would allow her to file an amended motion identifying any changed circumstance. Curreri subsequently filed a declaration, and numerous exhibits, which consisted of pre-2023 hospital records, court filings, attorney-client communications, and documents purporting to track Mayhall’s location via his telephone records. Curreri’s declaration did not identify any changed circumstances but instead provided a chronology of the case and identified more specific allegations of judicial and attorney misconduct.

Following Mayhall’s opposition, the district court entered an order denying the omnibus motion. The court denied the motion to modify custody without holding an evidentiary hearing, finding that Curreri failed to allege changed circumstances arising after the 2023 custody order. The court further denied the motion to take judicial notice because it was

“unsure what Mother wishes for the Court to take judicial notice [of].” Finally, the court denied the motion for NRCP 60(b) relief, finding the court had already reviewed, and rejected, the allegations of misconduct in prior orders. Curreri now appeals.

“We review a district court’s decision to deny a motion to modify physical custody without holding an evidentiary hearing for an abuse of discretion.” *Myers v. Haskins*, 138 Nev. 553, 556, 513 P.3d 527, 531 (Ct. App. 2022). A district court abuses its discretion only when “no reasonable judge could reach a similar conclusion under the same circumstances.” *Leavitt v. Siems*, 130 Nev. 503, 509, 330 P.3d 1, 5 (2014).

When a movant seeks to modify physical custody, a district court must hold an evidentiary hearing if the movant demonstrates “adequate cause” for one. *Rooney v. Rooney*, 109 Nev. 540, 542, 853 P.2d 123, 124 (1993). “Adequate cause” arises if the movant demonstrates a prima facie case for modification. *Id.* at 543, 853 P.2d at 125. And to modify physical custody in Nevada, a movant must allege facts showing that “(1) there has been a substantial change in circumstances affecting the welfare of the child, and (2) the child’s best interest is served by the modification.” *Romano v. Romano*, 138 Nev. 1, 3, 501 P.3d 980, 982 (2022) (quoting *Ellis v. Carucci*, 123 Nev. 145, 150, 161 P.3d 239, 242 (2007), *abrogated by Killebrew v. State ex rel. Donohue*, 139 Nev. 401, 404-05, 535 P.3d 1167, 1171 (2023)). To avoid “repetitive, serial motions,” “any change in circumstances must generally have occurred since the last custody determination.” *Ellis*, 123 Nev. at 151, 161 P.3d at 243 (internal citation and quotations marks omitted). “In determining whether a movant has

demonstrated a prima facie case for modification of physical custody, the court must accept the movant's specific allegations as true." *Myers*, 138 Nev. at 556-57, 513 P.3d at 532. "[D]emonstrating a prima facie case for modification is a *heavy burden* on a petitioner which must be satisfied before a hearing is convened." *Id.* at 560, 513 P.3d at 534 (emphasis in original) (internal citation and quotations marks omitted).

Here, we conclude the district court did not abuse its discretion by denying Curreri's motion to modify custody without holding a hearing. Curreri's motion failed to identify any change in circumstance that occurred following the 2023 custody order. Instead, Curreri's motion generally sought to challenge the evidence the district court previously relied on in determining Mayhall had not abused G.C.M. and that it was in the child's best interest to award Curreri supervised parenting time. Further, Curreri's allegations regarding sexual abuse, and Mayhall's alleged attempts to cover up the abuse, do not constitute changed circumstances because these allegations were extensively litigated before, and during, the 2023 custody litigation. *Cf. Castle v. Simmons*, 120 Nev. 98, 105, 86 P.3d 1042, 1047 (2004) (holding that pre-decision evidence of domestic violence may constitute changed circumstances "if the moving party or the court was unaware of the existence or extent of the conduct when the court rendered its prior custody decision"). Accordingly, we affirm the denial of Curreri's motion to modify custody.

We further affirm the denial of Curreri's motion for NRCP 60(b) relief vacating all prior orders. We review a district court's order denying a motion to set aside or vacate an order under NRCP 60(b) for an abuse of

discretion. *Willard v. Berry-Hinckley Indus.*, 139 Nev. 516, 518, 539 P.3d 250, 255 (2023). Having carefully reviewed the record, we conclude the district court did not abuse its discretion in denying Curreri's request to vacate all prior orders because it had previously denied the same arguments. Our review demonstrates Curreri has repeatedly sought to vacate all orders in this matter based on her belief that the court and Mayhall's counsel have engaged in misconduct that violated her constitutional rights. Accordingly, Curreri has not demonstrated that the district court's finding that she was submitting serial motions which attempted to relitigate prior disputes was an abuse of discretion, and thus, we affirm. *Cf. Ellis*, 123 Nev. at 151, 161 P.3d at 243; *Brandon v. West*, 29 Nev. 135, 142, 88 P. 140, 141 (1906) (stating that "[a] second application for the rehearing of a cause by the same party, after his petition for rehearing has been denied, will not be entertained").

We also conclude Curreri failed to demonstrate the district court was biased against her. On appeal, Curreri contends the district court was biased against her because the district judge serves as a "liaison" with the Family Peace Center. However, Curreri has failed to cogently argue how this "liaison" position rendered the district court biased against her, and thus, we do not consider this argument.<sup>1</sup> *See Edwards v. Emperor's*

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<sup>1</sup>We further note that while the district court initially ordered Curreri's parenting time would occur at the Family Peace Center, the court has repeatedly encouraged the parties to try and locate an independent supervisor and neutral location so that parenting time does not occur solely at the Family Peace Center.

*Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that this court need not consider claims that are unsupported by cogent arguments).

Accordingly, we affirm the district court's order denying Curreri's omnibus motion.<sup>2</sup>

It is so ORDERED.

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

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

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

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<sup>2</sup>We affirm the district court's order denying Curreri's motion requesting the court take judicial notice of facts within the record because she does not identify these facts on appeal and thus does not present cogent argument challenging the denial. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38.

Further, we dismiss the portion of Curreri's appeal that attempts to challenge the 2023 custody order, and various orders issued between 2017 and 2019, as untimely. *See Healy v. Volkswagenwerk Aktiengesellschaft*, 103 Nev. 329, 331, 741 P.2d 432, 433 (1987) (holding this court does not have jurisdiction to consider untimely appeals).

Insofar as Curreri raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.



cc: Hon. Tamatha Schreinert, District Judge, Family Division  
Giana L. Curreri  
O'Mara Law Firm, P.C.  
Washoe District Court Clerk