

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROBERT TIMOTHY HUDSPETH,
Appellant,
vs.
LISA MARIE HUDSPETH,
Respondent.

No. 90145-COA

FILED

JAN 22 2026

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

*ORDER AFFIRMING IN PART
AND DISMISSING APPEAL IN PART*

Robert Timothy Hudspeth (Timothy) appeals from a district court order granting a decree of divorce. Eighth Judicial District Court, Clark County; Mari D. Parlade, Judge.

Timothy and respondent Lisa Marie Hudspeth married in 2010 and share two minor children. Timothy is employed as an engineer on a ship and his work schedule generally requires him to work 70 days at sea before returning home for 70 days at a time. Lisa filed for divorce in April 2023. The district court then entered a temporary child custody and support order where Lisa had the children full-time while Timothy was at sea and upon Timothy's return, he had primary physical custody with Lisa receiving parenting time every other weekend until Timothy returned to sea. Further, Timothy stipulated to allowing Lisa to retain exclusive possession of the marital home during the pendency of the proceedings.

In April 2024 the parties filed a stipulation stating that they had signed two Memorandums of Understanding (MOUs) that resolved child custody, child support, alimony, and the division of all major assets (the marital home, vehicles, and bank accounts). However, the parties had not resolved the division of the personal property that remained in the

home, and their counsel requested more time to resolve the remaining property issues and prepare a proposed decree of divorce. Pursuant to the MOUs, Lisa would retain physical custody of the children while Timothy was at sea and upon Timothy's return, he would have primary physical custody subject to Lisa's parenting time. In the event that Timothy's time at home exceeded his time at sea, the parties would revert to a week-on, week-off schedule. The parties further stipulated that Lisa's gross monthly income was \$1,500 and Timothy's gross monthly income was \$8,333 and thus agreed Timothy's statutory child support obligation would be \$1,576.33. However, the parties agreed that Timothy would instead pay \$1,250 in child support.

The parties' counsel then attempted to resolve the outstanding personal property division. However, in June 2024, Timothy arrived at the marital home with law enforcement, and while Lisa was not home, used a hammer to gain entry into the home and remove three guns, a gun safe, and ammunition that he claimed was his personal property. Lisa subsequently filed a motion for an order to show cause for contempt, alleging Timothy breached the prior order awarding her sole possession of the marital residence, and Timothy's counsel withdrew from representing him.

Timothy then filed various motions which generally disputed that he was in contempt, requested the return of various personal property in the home, and otherwise requested all hearings be continued until September 2024 because he was now at sea. Following Timothy's return, the district court held a hearing in September 2024 and stated it would enter a decree of divorce which adopted the parties' two MOUs and additionally hold an evidentiary hearing to resolve the outstanding personal property disputes and to determine whether Timothy was in

contempt. The district court subsequently entered a decree of divorce which adopted the parties' MOUs, including the agreed upon child custody arrangement and child support and set an evidentiary hearing for January 2025.

Following the entry of the divorce decree, Timothy filed various motions to dismiss the divorce decree, which generally sought reconsideration of the decree and alleged that specific portions did not accurately reflect the parties' agreement. In doing so, Timothy did not challenge the district court's legal and physical custody awards, although he addressed related issues—for example, whether the divorce decree properly required him to provide Lisa with 72 hours' notice of changes in his work schedule. Timothy further filed a motion to continue the January 2025 evidentiary hearing because he was currently at sea and was unable to prepare.

The district court proceeded with the January 2025 evidentiary hearing. The district court first orally denied the motions to dismiss and the motion to continue the hearing, finding that during the September 2024 hearing, Timothy participated in the selection of the hearing date and that the order accurately reflected the MOUs. The court then proceeded with the evidentiary hearing at which the parties testified as to the outstanding property issues and whether Timothy violated the district court's prior order when he gained entry into the home. Following the hearing, the court entered a written order denying the motions to dismiss and motion to continue the hearing. However, the district court did not issue a written order resolving the personal property dispute or determining whether Timothy was in contempt. Timothy now appeals.

To the extent Timothy seeks in this appeal to challenge the totality of the divorce decree that has been entered, the divorce decree is not appealable as a final judgment, *see* NRAP 3A(b)(1), because it did not resolve the parties' disputes as to the personal property located in the marital home, but instead, determined that an evidentiary hearing was necessary to resolve those disputes. *See Lee v. GNLV Corp.*, 116 Nev. 424, 427-28, 996 P.2d 416, 418 (2000). Nevertheless, this court has jurisdiction to consider "[a] final order that did not arise in a juvenile court and that pertains to child custody," NRAP 3A(b)(7), and because the decree finally resolves the issue of child custody, we may consider Timothy's arguments insofar as they challenge the propriety of the decree's child custody determination. And to the extent Timothy's motions to dismiss the decree sought reconsideration of custody-related issues, we may review the denial of that motion in the context of this appeal. *See also AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 589, 245 P.3d 1190, 1197 (2010).

Although Timothy raises numerous other arguments to challenge the district court's temporary orders as well as aspects of the divorce decree and order denying his motion to dismiss unrelated to child custody, his arguments relate to interlocutory decisions, which are not substantively appealable or reviewable in the context of this appeal. *See Consol. Generator-Nev., Inc. v. Cummins Engine Co., Inc.*, 114 Nev. 1304, 1312, 971 P.2d 1251, 1256 (1998). Thus, we limit our consideration to the portions of Timothy's appeal challenging the custody determination and dismiss all other aspects of the appeal.

We now turn to Timothy's challenges to child custody. Timothy first argues the district court lacked jurisdiction to enter a custody order because 28 U.S.C. § 1333 provides that federal district courts shall have

exclusive jurisdiction over seamen. “Subject matter jurisdiction is the court’s authority to render a judgment in a particular category of case.” *Landreth v. Malik*, 127 Nev. 175, 183, 251 P.3d 163, 168 (2011) (internal quotation marks omitted). We review whether a court had subject matter jurisdiction de novo. *Ogawa v. Ogawa*, 125 Nev. 660, 667, 221 P.3d 699, 704 (2009). “The district courts shall have original jurisdiction, exclusive of the courts of the States, of any civil case of admiralty or maritime jurisdiction[.]” 28 U.S.C. § 1333.

We conclude the district court had subject matter jurisdiction over this case because it is not a civil case of admiralty or maritime jurisdiction. The Supreme Court has recognized that the purpose behind maritime jurisdiction “is the protection of maritime commerce.” *Norfolk S. Railway Co. v. Kirby*, 543 U.S. 14, 25 (2004) (internal quotation marks omitted). When determining whether a dispute gives rise to maritime jurisdiction, a court must determine whether the principal issue or objective is maritime commerce. *See id.* (discussing whether a contract is maritime in nature and thus gives rise to maritime jurisdiction). Here, the objectives or purposes of the proceedings were to dissolve the couple’s marital relationship, resolve child custody and support, and settle the property disputes. Thus, while Timothy is employed as an engineer on a maritime vessel, that does not transform this matter to one of maritime jurisdiction. Accordingly, we conclude the district court had jurisdiction to enter a custody order. *See Ankenbrandt v. Richards*, 504 U.S. 689, 703 (1992) (noting federal courts do not have jurisdiction over domestic disputes involving child custody); *Peterson v. Babbitt*, 708 F.2d 465, 466 (9th Cir. 1983) (per curiam) (noting “the well established principle that federal courts

should decline jurisdiction of cases concerning domestic relations when the primary issue concerns the status of parent and child”).¹

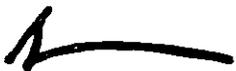
Timothy next argues the district court’s custody order failed to ensure the parties shared joint physical custody because he receives the children 30 percent of the time and that the order violates his freedom of religion because he is unable to attend church with the children “in excess of 75% of the time[.]” We conclude that Timothy has forfeited these arguments on appeal by failing to raise them before the district court. *Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (stating “[a] point not urged in the trial court, unless it goes to the jurisdiction of that court,” is forfeited).² Here, Timothy stipulated to the child custody order and did not object to the stipulation prior to its entry as an order by the district court. *See St. Mary v. Damon*, 129 Nev. 647, 658-59, 309 P.3d 1027, 1035-36 (2013) (recognizing a presumption “that fit parents act in the best interest of their children” and that public policy favors those parents

¹To the extent that Timothy further contends the district court lacked personal jurisdiction over him because he was not served with the complaint, in addition to not providing cogent argument, Timothy has forfeited this argument by failing to raise it before the district court and thus we do not consider it. *See* NRCP 12(h)(1) (explaining that defenses relating to sufficiency of service of process are generally waived if not raised by motion or included in a responsive pleading); *Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (stating “[a] point not urged in the trial court, unless it goes to the jurisdiction of that court,” is forfeited).

²We note that this court can exercise its discretion to address constitutional issues not raised below but we decline to do so here because Timothy stipulated to the custody arrangement. *See Desert Chrysler-Plymouth, Inc. v. Chrysler Corp.*, 95 Nev. 640, 643-44, 600 P.2d 1189, 1191 (1979) (explaining that this court has discretion whether to consider unpreserved constitutional issues on appeal).

entering into custody agreements); *Rivero v. Rivero*, 125 Nev. 410, 429, 216 P.3d 213, 227 (2009) (holding courts will enforce child custody stipulations that are not unconscionable, illegal, or in violation of public policy), *overruled on other grounds by Romano v. Romano*, 138 Nev. 1, 501 P.3d 980 (2022). Further, Timothy did not raise these arguments in his motions to dismiss the divorce decree, nor has he sought to modify the child custody agreement. *See id.* at 429, 216 P.3d at 226 (holding the parties' custody agreement "will control except when the parties move the court to modify the custody agreement"). Accordingly, we conclude Timothy forfeited his arguments on appeal and to the extent he wishes to change the custody agreement, he must first seek to modify it before the district court.³ Accordingly, we

ORDER the judgment of the district court AFFIRMED in part and DISMISS the appeal in part.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

³Insofar as Timothy raises additional arguments challenging child custody, we have considered them and conclude they lack merit.

cc: Hon. Mari D. Parlade, District Judge
Robert Timothy Hudspeth
Moulton Law
Eighth District Court Clerk