IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MARC RICHARD SAVARD,
Appellant,
vs.
JOANNA LYNN SAVARD,
Respondent.

No. 89248-COA

ORDER OF AFFIRMANCE

Marc Richard Savard appeals from a final district court order amending a decree of divorce. Eighth Judicial District Court, Family Division, Clark County; Stacy Michelle Rocheleau, Judge.

Marc and respondent Joanna Lynn Savard married in 1998, and their marriage produced four children. Their marriage experienced difficulties and Marc filed a complaint for divorce in 2020. After contentious proceedings, the district court conducted a lengthy trial concerning child custody issues, child support, distribution of community property, and alimony. Following trial, the parties submitted written closing arguments and, as relevant to this matter, Joanna requested an award of attorney fees in her favor.

The district court subsequently issued a written decree of divorce in which it made findings concerning the parties' disputes and directed Joanna to submit additional information in support of her request for attorney fees. Joanna later provided the additional information in support of her request, including billing records. However, Marc filed a motion to alter or amend the decree, arguing the court made several errors and challenging the court's credibility findings. Joanna opposed the motion.

The district court thereafter granted Joanna's request for attorney fees, finding that she was entitled to attorney fees pursuant to NRS 18.010(2)(b), NRS 125.150, and *Sargeant v. Sargeant*, 88 Nev. 223, 495 P.2d 618 (1972). In particular, the court found Marc maintained positions without reasonable grounds and did so to harass Joanna. After analyzing the appropriate *Brunzell*[1] factors and the parties' disparity in incomes, the court determined that Joanna was entitled to an award of attorney fees based on the foregoing findings.

The district court also issued an order addressing Marc's motion to alter or amend, explaining that it would issue an amended decree to address an error in the calculation of child support, provide additional clarity, and to correct several inconsequential facts. Marc subsequently filed a notice of appeal, and the district court thereafter issued an amended decree of divorce nunc pro tunc to its prior decree.

In the amended decree, the district court awarded the parties joint physical custody of their minor children and rejected Marc's request to relocate to Canada with the children. The district court also awarded Joanna monthly child support. In addition, the court distributed the parties' community assets and debts, concluding that an unequal distribution was appropriate as it found Marc committed financial misconduct. The court made significant findings as to Marc's credibility, concluding he had attempted to mislead the court concerning the parties' assets out of a desire to financially disadvantage Joanna. In addition, the court determined that Joanna was entitled to an alimony award. This appeal followed.

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[1]*Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 455 P.2d 31 (1969).

Jurisdiction to enter amended decree

First, Marc argues the district court lacked jurisdiction to enter the amended decree as it was entered after he filed his notice of appeal and that the court improperly substantively altered its decisions after he filed a notice of appeal. However, "[a] notice of appeal filed after the court announces a decision or order—but before the entry of the judgment or order—is treated as filed on the date of and after the entry." NRAP 4(a)(2). Moreover, pursuant to NRAP 4(a)(6), "[a] premature notice of appeal . . . does not divest the district court of jurisdiction until it becomes effective by entry of the final written order or judgment." Here, the district court announced its intention to enter a written amended decree, but Marc filed his notice of appeal before entry of the amended decree. Thus, Marc filed a premature notice of appeal which did not deprive the district court of jurisdiction to enter the amended decree. Accordingly, Marc is not entitled to relief based on this argument.

Child custody

Marc challenges the district court's decision to reject his requests for primary physical custody of the children and to relocate to Canada with the children. This court reviews district court decisions concerning child custody for an abuse of discretion. *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 241 (2007). In reviewing child custody determinations, this court will affirm the district court's factual findings if they are supported by substantial evidence, "which is evidence that a reasonable person may accept as adequate to sustain a judgment." *Id.* at 149, 161 P.3d at 242.

Courts must consider a pending motion to relocate when making the initial permanent custody determination. *McGuinness v.*

McGuinness, 114 Nev. 1431, 1435, 970 P.2d 1074, 1077 (1998). When resolving a request to relocate and making an initial permanent custody determination, "the district court must base its decision on the child's best interest." *Druckman v. Ruscitti*, 130 Nev. 468, 473, 327 P.3d 511, 515 (2014). "A court cannot adequately evaluate a child's best interest in the custody determination without considering the circumstances of the relocation request." *Id.* at 474, 327 P.3d at 515.

First, Marc challenges the district court's determination that it was in the children's best interest to reject his request for primary physical custody. In particular, Marc argues the district court abused its discretion by finding that Joanna did not commit acts of domestic violence.

When making a custody determination, the sole consideration is the best interest of the child. NRS 125C.0035(1); *Davis v. Ewalefo*, 131 Nev. 445, 451, 352 P.3d 1139, 1143 (2015). The NRS 125C.0035(4) best interest factors are non-exhaustive and should be considered along with any other relevant information the district court deems significant. *See Ellis*, 123 Nev. at 152, 161 P.3d at 243. Further, we presume the district court properly exercised its discretion in determining the child's best interest. *Flynn v. Flynn*, 120 Nev. 436, 440, 92 P.3d 1224, 1226-27 (2004). There is preference that joint physical custody is in a child's best interest if certain conditions are met, including when a parent demonstrates an intent to establish a meaningful relationship with a child. *See* NRS 125C.0025(1); *see also Roe v. Roe*, 139 Nev. 163, 173, 535 P.3d 274, 286 (Ct. App. 2023) (explaining that joint physical custody is the preferred arrangement and that a district court should make findings when imposing an alternative arrangement).

During the trial, the parties provided extensive testimony concerning their relationships and interactions with their children. The parties also discussed the difficulties they experienced coparenting the children since their separation. The older children also testified concerning their relationships with the parties. In particular, the parties testified concerning an incident where Joanna was angry and threw a water bottle, and that the bottle bounced before one of the children. The district court also admitted a video recording depicting that incident as one child recorded it with her phone. The parties also discussed an incident where Joanna forcibly took phones away from the children and another incident where she kicked a hole in a wall. Joanna explained that she had been experiencing a high level of stress due to the divorce proceedings at that time but that she had since learned to manage that stress and to behave in a more appropriate manner.

The district court later entered written findings concerning the relevant best interest factors from NRS 125C.0035(4) and determined, based on the evidence presented, that it was in the children's best interest to deny Marc's request for primary physical custody and to award the parties joint physical custody until such time as Marc elects to move to Canada.

Of note, the district court reviewed the evidence concerning the incidents involving the water bottle, the children's phones, and when Joanna kicked a hole in a wall.[2] The court found that Joanna should have

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[2]To the extent that Marc asserts the district court previously found Joanna committed acts of domestic violence and that finding should have controlled, his assertion lacks merit. While the district court found Joanna's behavior was inappropriate, it did not find that she committed acts of domestic violence within the meaning of NRS 125C.0035(4)(k).

better managed her emotions but that those incidents did not rise to acts of domestic violence. *See* NRS 125C.0035(4)(k); *see also Soldo-Allesio v. Ferguson*, 141 Nev., Adv. Op. 9, 565 P.3d 842, 849 (Ct. App. 2025) (explaining that a district court must consider "whether domestic violence has been proven by a preponderance of the evidence in determining which custody arrangement is in the child's best interest"). The aforementioned factual findings made in support of these determinations are supported by substantial evidence.[3] *See Ellis*, 123 Nev. at 149, 161 P.3d at 242. While Marc challenges the district court's findings, this court is not at liberty to reweigh the evidence or the district court's credibility determinations. *See Grosjean v. Imperial Palace, Inc.*, 125 Nev. 349, 366, 212 P.3d 1068, 1080 (2009).

We next consider Marc's contention that the district court abused its discretion by denying his request to relocate to Canada with the children.[4] Marc contends the district court failed to appropriately consider

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[3]While Marc argues the district court should have applied NRS 125C.0035(5)'s rebuttable presumption and should have declined to award Joanna joint physical custody, the district court did not find that any acts of domestic violence were proven by clear and convincing evidence, and thus, NRS 125C.0035(5)'s rebuttable presumption was not applicable to the district court's custody determination. *Cf.* NRS 125C.0035(5); *Soldo-Allesio*, 141 Nev., Adv. Op. 9, 565 P.3d at 848 (explaining that the rebuttable presumption against awarding a parent physical custody applies when the commission of acts of domestic violence "has been established by clear and convincing evidence").

[4]Marc argues that Joanna did not timely oppose his motion to relocate to Canada with the children and that the district court did not issue an order concerning his motion requesting the court to grant his request to relocate pursuant to EDCR 5.503(b) based on Joanna's failure to file an opposition. We note that, by denying Marc's motion to relocate in the amended decree, the district court effectively denied Marc's motion seeking

the financial benefits associated with a move to Canada, misunderstood the ability of his extended family to visit with the children in Canada, and did not properly weigh the additional benefits the children would realize with a move to Canada.

When a district court has not issued a custodial order and both parents have equal custody rights to their children, "one parent may not relocate his or her child out of state over the other parent's objection without a judicial order authorizing the move." *Druckman*, 130 Nev. at 473, 327 P.3d at 515.[5] When evaluating a request to relocate to another state "and determining the parents' custodial rights, the court must decide whether it is in the best interest of the child to live with parent A in a different

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relief under EDCR 5.503(b). *See Bd. of Gallery of Hist., Inc. v. Datecs Corp.*, 116 Nev. 286, 289, 994 P.2d 1149, 1150 (2000). To the extent Marc argues the district court should have granted the motion due to Joanna's failure to timely oppose it, he fails to demonstrate the district court abused its discretion by declining to do so and considering the relocation request on the merits. *Cf. Las Vegas Fetish & Fantasy Halloween Ball, Inc. v. Ahern Rentals, Inc.*, 124 Nev. 272, 278 & n.15, 182 P.3d 764, 768 & n.15 (2008) (explaining a district court has the discretion, under the local rules, to consider a party's failure to oppose a motion as an admission that the motion is meritorious).

[5]NRS 125C.007 did not govern Marc's request to relocate because there was no prior, final order determining custody entered in this case. *See Druckman*, 130 Nev. at 472-73, 327 P.3d at 514 (holding that NRS 125C.200, the predecessor to NRS 125C.007, applies only to instances where there is a prior custody determination). However, we further note the district court properly elected to utilize NRS 125C.007 to guide its evaluation of this issue. *See id.* at 473, 327 P.3d at 515 (explaining the statutory framework for relocation may be used "as a guide in instances where no custodial order exists and the parents dispute out-of-state relocation" (citing NRS 125C.200 (1999))).

[location] or parent B in Nevada." *Id.* at 474, 327 P.3d at 515 (internal quotation marks omitted).

Initially, a court must determine whether the moving parent established a "sensible, good faith reason for the move." *Id.* at 473, 327 P.3d at 515. Should the moving party satisfy that initial hurdle, the court must consider:

> (1) the extent to which the move is likely to improve the quality of life for both the child and the custodial parent; (2) whether the custodial parent's motives are honorable, and not designed to frustrate or defeat visitation rights accorded to the noncustodial parent; (3) whether, if permission to remove is granted, the custodial parent will comply with any substitute visitation orders issued by the court; (4) whether the noncustodian's motives are honorable in resisting the motion for permission to remove, or to what extent, if any, the opposition is intended to secure a financial advantage in the form of ongoing support obligations or otherwise; (5) whether, if removal is allowed, there will be a realistic opportunity for the noncustodial parent to maintain a visitation schedule that will adequately foster and preserve the parental relationship with the noncustodial parent.

Id. at 474, 327 P.3d at 515 (internal brackets omitted); *see also Shahrokhi v. Burrow*, Nos. 81978, 82245, & 83726, 2022 WL 1509740, at *3 (Nev. May 12, 2022) (Order of Affirmance (Docket Nos. 81978, 82245, & 83726) and Dismissing Appeal in Part (Docket No. 83726)) (explaining that the test for evaluating relocation requests set forth in *Druckman* applies in the absence of a court order finally establishing custody).

The district court reviewed Marc's testimony concerning the potential benefits of moving to Canada, including the climate, education system, healthcare system, and proximity to Marc's family. The court noted

that Marc was in a committed relationship with Kate, and that Kate would have the ability to maintain her current employment as she could manage her online business remotely. However, the court found that much of Marc's testimony about the financial benefits he would see in Canada was speculative. The district court also noted that Marc's parents would be able to visit the children fairly often but that his extended family did not reside close to his intended destination and were unlikely to visit regularly.

In addition, the district court found that Marc did not provide sufficient evidence that the climate, education system, and healthcare system would be a benefit to the children. While Marc testified that he would see substantial savings from Canada's free healthcare system, the district court noted Marc only listed $432 on his financial disclosure form (FDF) as his monthly health insurance costs and, taken together with the increase in taxes Marc would owe in Canada, Marc failed to demonstrate those potential savings amounted to a substantial benefit from moving to Canada.

The district court ultimately concluded that, in light of the speculative nature of the reasons for Marc's desire to move to Canada, the aforementioned issues were insufficient to demonstrate he had a sensible, good-faith reason to relocate to Canada with the children. Rather, after reviewing the evidence, the court found that Marc wished to relocate to Canada to interfere with Joanna's relationship with the children. The district court thus concluded that Marc failed to establish he had a sensible good-faith basis for the move.

The district court also reviewed the additional relocation factors. First, the court found that, while there may be a benefit to the youngest child's educational opportunities, the relocation was not likely to

improve the children's quality of life and may be a detriment, as they may miss out on important activities and seeing Joanna frequently. Second, as explained previously, the court found Marc's motives were not honorable and were designed to frustrate Joanna's relationship with the children. Third, the court found that Marc would comply with its orders concerning parenting time if it allowed him to relocate to Canada with the children. Fourth, the court found that Joanna's opposition to Marc's request was honorable, noting she had resided in Las Vegas for 20 years and had a reasonable desire to maintain the current arrangement. Fifth, the district court found there was no realistic opportunity for Joanna to maintain a parenting time schedule that would foster and preserve her relationship with the children should the court grant Marc's request to relocate with the children to Canada.

The aforementioned factual findings made in support of these determinations are supported by substantial evidence in the record. *See Ellis*, 123 Nev. at 149, 161 P.3d at 242. While Marc challenges the district court's findings and asserts that the court should have focused on evidence that was favorable to him, this court is not at liberty to reweigh the evidence or the district court's credibility determinations. *See Grosjean*, 125 Nev. at 366, 212 P.3d at 1080. Accordingly, Marc fails to demonstrate the district court abused its discretion when reaching its child custody and relocation decisions. *See Ellis*, 123 Nev. at 149, 161 P.3d at 241; *see also Monahan*, 138 Nev. at 69, 507 P.3d at 596 (reviewing a district court's decision on relocation for an abuse of discretion).

Child support

Next, Marc argues the district court abused its discretion in its award of child support. Marc contends the district court erroneously

considered Kate's income when evaluating child support. Marc also appears to assert that the district court erroneously imputed income to him. In addition, Marc contends that his support obligation should have been reduced due to his payment of the children's health insurance costs.

This court reviews child support orders for an abuse of discretion. *Edgington v. Edgington*, 119 Nev. 577, 588, 80 P.3d 1282, 1290 (2003). This court will not disturb the factual findings underlying a child support order if they are supported by substantial evidence. *Miller v. Miller*, 134 Nev. 120, 125, 412 P.3d 1081, 1085 (2018). A child support award "must be based on the obligor's earnings, income and other evidence of ability to pay." NAC 425.100(1). When one party disputes the gross monthly income of the other party, the district court makes the determination of the obligor's gross monthly income "after considering all financial or other information relevant to the earning capacity of the obligor." NAC 425.120(1)(b). In addition, the district court is required to include provisions for the medical support of a child. NAC 425.135(1).

Here, the district court reviewed the information provided by the parties and noted that Marc's career as a performer was impacted by the COVID-19 pandemic. The court determined Marc may have been able to successfully reopen his Las Vegas shows but that no conclusive evidence had been presented as to that issue. It also noted that Marc disclosed he was employed by Kate and earned $8,000 per month in that employment. The court found there had been insufficient evidence that he was underpaid in that role. The district court thus found that Marc was not underemployed.

The district court also reviewed the information presented concerning the income Marc earns performing on cruise ships. It found

Marc's net earnings from such performances to be $4,700 per month. After considering Marc's sources of income and comparing them to Joanna's income, the district court determined that Marc's monthly support obligation should be $405 until their second oldest child becomes 18 years old, and he will thereafter owe $334 per month in child support for the two youngest children.[6] The district court also found that Marc agreed to be responsible for the payments of the children's health insurance premiums. *See* NAC 425.100(3) (allowing a district court to adjust the child support from the guidelines if it sets forth findings in support of that decision); NAC 425.150(1)(f) (explaining a district court may consider the relative income of the parents when making adjustments to the child support obligation).

Marc's contention that the district court imputed income to him is belied by the record. Marc fails to demonstrate that the court abused its discretion by considering his wages from Kate's business together with his performance income when evaluating his earnings, income, and other evidence of his ability to pay to ascertain his earning capacity. To the extent that Marc challenges the district court's evaluation of the evidence or its credibility determinations, he is not entitled to relief based on such challenges. *See Grosjean*, 125 Nev. at 366, 212 P.3d at 1080. Therefore, Marc fails to demonstrate he is entitled to relief.

Division of community property and debts

Next, Marc challenges the division of community property and debts, contending that the district court's findings were not supported by the evidence. Marc argues the district court abused its discretion by finding

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[6]The district court also provided that, should Marc later elect to move to Canada and leave the children with Joanna as their primary physical custodian, he would be required to pay $1,922 in monthly child support.

that he did not provide credible information concerning the state of the community's financial situation. Marc also argues the district court abused its discretion by finding an unequal distribution of the community property and debt was appropriate considering Marc's commission of financial misconduct. In support of his contention, Marc points to text messages in which Joanna indicated she was involved in the parties' financial decisions. Marc also refers to the parties' tax records and additional financial documents concerning the valuation of their business Marc Savard International, LLC (MSI), and the community debts. Marc further argues that the district court misattributed losses related to investments in cryptocurrency and business ventures.

"This court reviews a district court's . . . disposition of community property, including any underlying marital waste determinations, for an abuse of discretion." *Eivazi v. Eivazi*, 139 Nev. 408, 411, 537 P.3d 476, 482 (Ct. App. 2023). "This court reviews the district court's factual findings deferentially and will not set them aside unless they are clearly erroneous or unsupported by substantial evidence." *Id.* "Substantial evidence is evidence that a reasonable person may accept as adequate to sustain a judgment." *Id.* (internal quotation marks omitted).

A district court must make an equal disposition of community assets and debt in a divorce unless there is a "compelling reason" to make an unequal disposition. NRS 125.150(1)(b). "Dissipation," also known as "waste," can constitute a compelling reason for an unequal disposition of community property. *Kogod v. Cioffi-Kogod*, 135 Nev. 64, 75, 439 P.3d 397, 406 (2019); *see also Lofgren v. Lofgren*, 112 Nev. 1282, 1283, 926 P.2d 296, 297 (1996) ("[I]f community property is lost, expended or destroyed through the intentional misconduct of one spouse, the court may consider such

misconduct as a compelling reason for making an unequal disposition of community property and may appropriately augment the other spouse's share of the remaining community property."). "Generally, the dissipation [or waste] which a court may consider refers to one spouse's use of marital property for a selfish purpose unrelated to the marriage in contemplation of divorce or at a time when the marriage is in serious jeopardy or is undergoing an irretrievable breakdown." *Kogod*, 135 Nev. at 75-76, 439 P.3d at 406-07 (quoting 24 Am. Jur. 2d *Divorce and Separation* § 524 (2018)). Our supreme court has concluded that compelling reasons for unequal distribution include "financial misconduct" such as wasting or secreting funds during the divorce process. *Putterman v. Putterman*, 113 Nev. 606, 608, 939 P.2d 1047, 1048 (1997); *see also Lofgren*, 112 Nev. at 1283, 926 P.2d at 297 (stating "the financial misconduct of the husband provided compelling reasons for an unequal division of the community property").

Here, the district court reviewed the evidence provided concerning the parties' assets and debts, and it made lengthy findings concerning that evidence. The court noted that Marc had previously earned a high salary but that his show at a resort was forced to close due to the pandemic. The court further found that Marc attempted to reopen the show in 2021 but was unable to successfully do so. The district court also reviewed the parties' documentary evidence, noting that the parties stipulated to the value of MSI.

The district court also found that Marc had complete control of all funds the community earned. The court further found that, based on the parties' testimonies and the documentary evidence, including the evidence presented concerning the parties' text messages, Marc misrepresented

community finances, misappropriated community funds, and overstated business expenses. In consideration of the foregoing, the district court determined Marc "intentionally manipulated community monies and strategically mislead the court in such a way to financially disadvantage Joanna."

In particular, the district court found that Marc filed multiple FDFs that misrepresented the parties' finances. The misrepresentations included inflated business expenses and incredible values for the parties' vehicles. In addition, while recognizing that pandemic-related grant money was paid to MSI and did not constitute income directly paid to Marc, the court found MSI received more than $400,000 in grant money but that Marc did not disclose all of the necessary information related to MSI's use of those funds, and thus, he did not properly account for MSI's use of the grant money, noting Marc's testimony concerning the use of those funds differed from that reported on financial documents he submitted to the court. The court also found that, following their separation, Marc utilized community funds to invest in cryptocurrency and start a stock trading business, but that those investments resulted in substantial losses to the community.

In addition, the district court explained it reviewed more than 2,000 pages of text messages submitted by the parties and found that the text messages revealed that Joanna was aware that Marc borrowed some money from his parents to help with household expenses during the pandemic. However, the court also found that Marc incurred significant debts since that time, those debts were not incurred for the benefit of the community, and that Marc could have reasonably paid off those debts but chose not to do so. *See Barry v. Linder*, 119 Nev. 661, 671, 81 P.3d 537, 543 (2003) (holding that the district court properly categorized a loan for legal

expenses as not community debt because substantial evidence supported the position that the loan was not acquired for the benefit of the community and was acquired after the parties separated), *superseded by rule on other grounds as stated in LaBarbera v. Wynn Las Vegas, LLC*, 134 Nev. 393, 395, 422 P.3d 138, 140 (2018).

The aforementioned factual findings made by the district court are supported by substantial evidence, and Marc fails to demonstrate the district court abused its discretion in this regard. *See Alba v. Alba*, 111 Nev. 426, 427, 892 P.2d 574, 574-75 (1995) (explaining "a court's valuation of personal property is not an abuse of discretion, so long as the value placed on the property falls within a range of possible values demonstrated by competent evidence"). In light of the foregoing findings, the court determined that Marc's financial misconduct amounted to a compelling reason to make an unequal distribution of the community's assets and debts.[7] *See Putterman*, 113 Nev. at 608, 939 P.2d at 1048. While Marc challenges the district court findings and its credibility determinations, he is not entitled to relief based on those challenges. *See Grosjean*, 125 Nev.

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[7]Joanna concedes that the district court made an incorrect statement concerning MSI's 2022 tax records and its business expense deductions, noting it seemingly utilized the numbers from the wrong line on that tax filing. However, as Joanna notes, the district court made additional and extensive findings in support of its determination that Marc overstated his business expenses in an effort to financially disadvantage Joanna. Considering the district court's extensive findings, the remaining of which are supported by substantial evidence, we conclude any error regarding reference to MSI's 2022 tax filing was harmless. *See Wyeth v. Rowatt*, 126 Nev. 446, 465, 244 P.3d 765, 778 (2010) ("When an error is harmless, reversal is not warranted."); *cf.* NRCP 61 ("At every stage of the proceeding, the court must disregard all errors and defects that do not affect any party's substantial rights.").

at 366, 212 P.3d at 1080. Accordingly, we conclude Marc fails to demonstrate the district court abused its discretion. *See Eivazi*, 139 Nev. at 411, 537 P.3d at 482.

Alimony

Next, Marc challenges the district court's award of permanent alimony in favor of Joanna until her remarriage or the death of either party. Marc contends that the alimony award was excessive and not supported by the evidence presented concerning his financial situation or the factors contained within NRS 125.150(9). Marc also argues the district court abused its discretion by requiring him to maintain a life insurance policy with Joanna as the beneficiary to secure the alimony award in the event of his death.

A district court has broad discretion in deciding whether to award alimony. *Kogod*, 135 Nev. at 66, 439 P.3d at 400. Under NRS 125.150, a court may award alimony "as appears just and equitable," including "as specified periodic payments." NRS 125.150(1)(a). In deciding the amount and duration of an alimony award, the court should consider what is just and equitable based on the circumstances of each case. *Shydler v. Shydler*, 114 Nev. 192, 199, 954 P.2d 37, 41 (1998). The supreme court has recognized that an award of alimony can be considered just and equitable when alimony is necessary to support the economic needs of a spouse, equalize post-divorce earnings, or maintain a spouse's marital standard of living. *Kogod*, 135 Nev. at 68, 439 P.3d at 401. Further, the district court must consider the factors enumerated in NRS 125.150(9) in addition to any other factors the district court considers relevant. *Id.* at 66, 439 P.3d at 400-01.

Here, the district court made lengthy and detailed findings concerning alimony. The court reviewed the spouses' financial conditions and earning capacities, finding that Marc's condition was superior given his work experience, as well as his talent as a performer and the accompanying profitable opportunities, as opposed to Joanna's lack of experience or training in the workforce. *See* NRS 125.150(9)(a), (e), (g), (h), and (k). The court acknowledged that Marc's pre-pandemic income was not a direct reflection of his post-pandemic income but found he could earn a substantial income given his talents and experience. The court further noted that Kate employed Marc and she also contributed to his monthly expenses. The district court further found the parties had little assets to divide. *See* NRS 125.150(9)(b), (c), (j). In addition, the court found the parties married in 1998, thus experiencing a lengthy marriage, and during their marriage enjoyed "a very comfortable, upper-class standard of living." *See* NRS 125.150(9)(d), (f). Moreover, the court found that Joanna acted as a full-time homemaker and primary caregiver for the children for 18 years, and that afforded Marc the opportunity to advance his career. *See* NRS 125.150(9)(i).

The district court ultimately concluded, after reviewing the aforementioned factors and the parties' current expenses, that it was fair and just to award Joanna permanent, periodic alimony. The court further directed Marc to secure a life insurance policy and to name Joanna as the primary beneficiary of that policy to secure payment of both alimony and child support in the event that he predeceases her, but provided that he may change the beneficiary should those obligations end.

The aforementioned factual findings made in support of these determinations are supported by substantial evidence in the record. *See*

Ellis, 123 Nev. at 149, 161 P.3d at 242. While Marc challenges the district court's findings concerning his financial condition and believes the alimony to be excessive, this court is not at liberty to reweigh the evidence. *See Grosjean*, 125 Nev. at 366, 212 P.3d at 1080. And Marc does not demonstrate the district court abused its discretion by considering Kate's contribution to his living expenses when evaluating his financial condition, *see* NRS 125.150(9)(a); *Kogod*, 135 Nev. at 66, 439 P.3d at 400-01, and directing him to name Joanna as the beneficiary to a life insurance policy to secure her alimony award so long as such an award remains his obligation, *see Shydler*, 114 Nev. at 199, 954 P.2d at 41 (stating that courts must consider what is just and equitable based on the circumstances of each case when awarding alimony). Accordingly, we conclude Marc fails to demonstrate the district court abused its discretion when awarding alimony in favor of Joanna. *See Kogod*, 135 Nev. at 66, 439 P.3d at 400.

Attorney fees

Next, Marc challenges the district court's decision to award Joanna attorney fees. "The decision to award attorney fees is within the sound discretion of the district court and will not be overturned absent a manifest abuse of discretion." *Kahn v. Morse & Mowbray*, 121 Nev. 464, 479, 117 P.3d 227, 238 (2005) (internal quotation marks omitted). An abuse of discretion occurs when the court's decision is not supported by substantial evidence, *Otak Nev., LLC v. Eighth Jud. Dist. Ct.*, 129 Nev. 799, 805, 312 P.3d 491, 496 (2013), "which is evidence that a reasonable person may accept as adequate to sustain a judgment," *Ellis*, 123 Nev. at 149, 161 P.3d at 242. When awarding attorney fees in a family law case, the court must consider the factors set forth in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 329, 455 P.2d 31, 33 (1969), and must also consider the disparity

in income pursuant to *Wright v. Osburn*, 114 Nev. 1367, 1370, 970 P.2d 1071, 1073 (1998). *Miller v. Wilfong*, 121 Nev. 619, 623-24, 119 P.3d 727, 730 (2005). Moreover, the district court may award attorney fees in a divorce proceeding on the basis of disparity in income to ensure an even playing field in the courtroom. *Sargeant v. Sargeant*, 88 Nev. 223, 226-27, 495 P.2d 618, 620-21 (1972). Pursuant to NRS 125.150(4), a district court "may award a reasonable attorney's fee to either party to an action for divorce."

In addition, under NRS 18.010(2)(b), the district court may award attorney fees to a "prevailing party" when "the court finds that the claim . . . of the opposing party was brought or maintained without reasonable ground or to harass the prevailing party." This section is to be "liberally construe[d] . . . in favor of awarding attorney's fees in all appropriate situations." *Id.* "[A] claim is frivolous or groundless if there is no credible evidence to support it." *Roe v. Roe*, 139 Nev. 163, 183, 535 P.3d 274, 293 (Ct. App. 2023) (internal quotation marks omitted).

Here, the district court noted the disparity in the parties' incomes and the funds available to Marc throughout the litigation of this matter. In consideration of that information, the court found that Joanna was entitled to an award of attorney fees pursuant to NRS 125.150(4) and *Sargeant*. In addition, the court referenced Marc's request to relocate with the children to Canada and found he had maintained that request without reasonable grounds and to harass Joanna. *See Allianz Ins. Co. v. Gagnon*, 109 Nev. 990, 996, 860 P.2d 720, 724 (1993) ("[I]f the record reveals that counsel or any party has brought, maintained, or defended an action in bad faith, the rationale for awarding attorney fees is even stronger.").

The district court also reviewed the information Joanna provided in support for her request for attorney fees, which included extensive information concerning fees, including billing records. In addition, the court reviewed the appropriate factors pursuant to *Brunzell*, 85 Nev. at 349, 455 P.2d at 33, and found that Joanna's trial counsel has been a practicing attorney for 23 years with a significant caseload involving family matters; this matter was complicated and difficult, contained contentious custody issues, and required counsel to prepare for and attend trial; and that Joanna obtained her sought-after results. In addition, the court determined that the fees charged by Joanna's trial counsel were reasonable given his experience and amount of work needed for this matter. The court also concluded that the fees charged by several of Joanna's former attorneys were reasonable given their skill, experience, and the amount of time necessary to effectively represent her in this matter.[8] In light of the foregoing, the district court awarded Joanna attorney fees.

We conclude Marc does not demonstrate the district court abused its discretion by awarding Joanna attorney fees pursuant to NRS 18.010(2)(b), NRS 125.150(4), and *Sargeant*. In addition, the court's findings pursuant to the *Brunzell* factors are supported by the record. Therefore, we discern no abuse of discretion in the district court's award of attorney fees in favor of Joanna. *See Kahn*, 121 Nev. at 479, 117 P.3d at 238.

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[8]The district court noted that several of Joanna's former attorneys had not submitted the necessary information to evaluate the *Brunzell* factors as to their fees, and it thus did not award Joanna fees sought for those attorneys.

Marc next asserts that the district court abused its discretion by declining to award him attorney fees stemming from his request for temporary physical custody of the children following the previously discussed incidents between Joanna and the children. The district court reviewed Marc's request for attorney fees related to that motion but found they were not warranted in light of the extreme disparity in income between the parties and because Marc had not timely submitted an FDF in support of his request as required by EDCR 5.507. Marc does not present cogent argument concerning the district court's decision or provide explanation as to why he believes the district court abused its discretion by rejecting his request for fees due to those reasons. As a result, we need not consider this issue. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that appellate courts need not consider issues that are not supported by cogent argument). Accordingly, we conclude Marc is not entitled to relief.

Motion to alter or amend

Next, Marc challenges the district court's decision to reject most of the relief he sought in his motion to alter or amend. He argues the district court abused its discretion by rejecting his request to alter the decree's findings concerning his finances and income based on its determining that he failed to provide credible information related to those issues. We review an order denying a motion to alter or amend for an abuse of discretion. *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 589, 245 P.3d 1190, 1197 (2010). "An abuse of discretion occurs 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).

The district court reviewed Marc's motion and determined that he sought to alter or amend the original decree based on the same disputed facts the court resolved after trial. While the court acknowledged it made a calculation error concerning child support and would issue an amended decree correcting that error, it explained that the remaining findings differ from Marc's versions of events because it did not find Marc's testimony credible.

We conclude Marc does not demonstrate that no reasonable judge would have reached the same conclusions as the district court and he therefore fails to demonstrate the district court abused its discretion. *See AA Primo Builders*, 126 Nev. at 589, 245 P.3d at 1197; *Grosjean*, 125 Nev. at 366, 212 P.3d at 1080. Accordingly, Marc is not entitled to relief based on this argument.

Bias

Finally, Marc argues that the district court was biased against him. We conclude that relief is unwarranted on this point because Marc has not demonstrated that the court's decisions in the underlying case were based on knowledge acquired outside of the proceedings and its decisions did not otherwise reflect "a deep-seated favoritism or antagonism that would make fair judgment impossible." *Canarelli v. Eighth Jud. Dist. Ct.*, 138 Nev. 104, 107, 506 P.3d 334, 337 (2022) (internal quotation marks omitted) (explaining that unless an alleged bias has its origins in an extrajudicial source, disqualification is unwarranted absent a showing that the judge formed an opinion based on facts introduced during official judicial proceedings and which reflects deep-seated favoritism or antagonism that would render fair judgment impossible); *see In re Petition to Recall Dunleavy*, 104 Nev. 784, 789, 769 P.2d 1271, 1275 (1988)

(providing that rulings made during official judicial proceedings generally "do not establish legally cognizable grounds for disqualification"); *see also Rivero v. Rivero*, 125 Nev. 410, 439, 216 P.3d 213, 233 (2009) (stating that the burden is on the party asserting bias to establish sufficient factual grounds for disqualification), *overruled on other grounds by Romano v. Romano*, 138 Nev. 1, 6, 501 P.3d 980, 984 (2022), *abrogated in part on other grounds by Killebrew v. State ex rel. Donohue,* 139 Nev. 401, 535 P.3d 1167 (2023). Moreover, Marc fails to demonstrate this is one of the exceedingly rare cases where reassignment is necessary to preserve public confidence and trust in the fairness of a judicial proceeding. *See Williams v. Second Jud. Dist. Ct.*, 142 Nev., Adv. Op. 5, 583 P.3d 223, 230 (2026). Therefore, we conclude that Marc is not entitled to relief based on this argument.

Having considered the foregoing and determined Marc is not entitled to relief, we

ORDER the judgment of the district court AFFIRMED.[9]

_____, C.J.
Bulla

_____, J.
Gibbons

_____, J.
Westbrook

[9]Insofar as Marc 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. Stacy Michelle Rocheleau, District Judge, Family Division
Marc Richard Savard
Burger, Meyer & D'Angelo, LLP / Las Vegas
Eighth District Court Clerk