

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JAMES PELZ,
Appellant,
vs.
BRANDEE PEREA,
Respondent.

No. 90584-COA

FILED

APR 14 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

James Pelz appeals from a post-judgment order awarding attorney fees in a child custody matter. Eighth Judicial District Court, Clark County; Vincent Ochoa, Judge.

James and respondent Brandee Perea share one minor child in common. James filed a complaint for custody, seeking an award of primary physical custody of the child, joint legal custody, and permission to homeschool the child. James later filed a motion seeking permission to relocate to New York with the child. Brandee thereafter opposed James' custodial requests and filed a counterclaim in which she sought either sole or primary physical custody of the child, joint legal custody, and child support. Brandee asserted that James' request to relocate to New York with the child was impulsive and not in the child's best interest.

The district court subsequently held an evidentiary hearing and, following the hearing, denied James' request to relocate with the child and awarded Brandee primary physical custody of the child. In particular, the court noted that James had long absences from the child's life, and that

he also had an unstable living situation. The district court also awarded Brandee monthly child support.

Brandee also sought an award of attorney fees and costs stemming from the custody proceedings pursuant to NRS 18.010(2)(b) and NRS 125C.250. In support of her request, Brandee noted the parties' incomes, including that James had a larger income than she did, and provided information concerning the relevant *Brunzell*¹ factors and her billing records. The district court, after a hearing, later entered a written order awarding Brandee attorney fees in the amount of \$21,000. This appeal followed.

James contends that the district court erred in awarding attorney fees where the evidence showed only a modest income disparity. James contends that the fee award was excessive and not supported by detailed analysis or findings regarding the parties' relative financial needs and obligations, the reasonableness of the fees, and whether the conduct of the parties warranted the fee award.

We review a district court's award of attorney fees for an abuse of discretion. *Miller v. Wilfong*, 121 Nev. 619, 622, 119 P.3d 727, 729 (2005). "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). However, "deference is not owed to legal error, or to findings so conclusory they may mask legal error." *Davis v.*

¹*Brunzell v. Golden Gate Nat'l Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969).

Ewalefo, 131 Nev. 445, 450, 352 P.3d 1139, 1142 (2015) (internal citations omitted). When awarding attorney fees in a family law case, the court must consider the factors set forth in *Brunzell*, 85 Nev. at 349, 455 P.3d at 33, and must also consider the disparity in the parties' income pursuant to *Wright v. Osburn*, 114 Nev. 1367, 1370, 970 P.2d 1071, 1073 (1998), see *Miller*, 121 Nev. at 623-24, 119 P.3d at 730.

Here, the district court awarded attorney fees to Brandee after denying James' motion seeking primary physical custody, school choice, and permission to relocate with M.P. Brandee had submitted a memorandum of fees citing NRS 125C.250, which allows the award of attorney fees in a child custody action, and NRS 18.010(2)(b), which allows the award of attorney fees when the complaint or claim is brought "without reasonable ground or to harass the prevailing party." Brandee's memorandum discussed the *Brunzell* factors and attached exhibits showing the costs and fees she incurred during the litigation, and she requested \$27,441.

The district court, in its written order, specifically stated that it reviewed the pleadings, papers, and arguments made by the parties concerning an award of attorney fees and found, based on that review, Brandee was entitled to an award of attorney fees. The court reviewed and made findings regarding the *Brunzell* factors presented in Brandee's fee memorandum and awarded \$21,000 to Brandee, which was less than the amount requested. The district court deemed this amount reasonable. The court also expressly addressed the approximately twenty percent difference in income between James and Brandee. See *Miller*, 121 Nev. at 623-24, 119 P.3d at 730; *Wright*, 114 Nev. at 1370, 970 P.2d at 1073. Thus, the award

and conclusion that James was in a superior financial position to Brandee was supported by substantial evidence and the district court did not abuse its discretion when awarding Brandee attorney fees. *See Logan v. Abe*, 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015) (affirming fee award because substantial evidence favored an award, and “the district court demonstrated that it considered the *Brunzell* factors”).²

In addition, we note that, while the district court found that James’ pursuit of relocation was not appropriate when his living situation was tenuous and subject to change, it did not make specific findings that an award of attorney fees under NRS 18.010(2)(b) was warranted. However, because Brandee sought attorney fees pursuant to NRS 125C.250, and substantial evidence supports the attorney fee award under that statute, even assuming, without deciding, that the district court erred by failing to make specific findings concerning Brandee’s request for attorney fees under NRS 18.010(2)(b), James fails to meet his burden to demonstrate that any such error was prejudicial and not harmless. *See Wyeth v. Rowatt*, 126 Nev. 446, 465, 244 P.3d 765, 778 (2010) (explaining that, to establish an error is

²James also argues that the district court failed to consider whether the fee award was necessary to ensure equal access to justice and not discourage parties with limited financial resources from participating in litigation. However, he fails to support this contention with cogent argument beyond reiterating his primary contention that the district court erred in concluding that he was in a superior financial position to Brandee. *See Edwards v. Emperor’s Garden Restaurant*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that this court need not consider claims that are not cogently argued). As a result, we need not consider this argument.

not harmless and reversal is warranted, “the movant must show that the error affects the party’s substantial rights so that, but for the alleged error, a different result might reasonably have been reached”). We therefore conclude that James fails to demonstrate that the district court abused its discretion by awarding Brandee attorney fees. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Vincent Ochoa, District Judge
James Pelz
Moulton Law
Eighth District Court Clerk