

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JULIE RAE SEIDLINGER F/K/A JULIE  
RAE SEIDLINGER-HSIUNG,  
Appellant,  
vs.  
ROGER WEIBAR HSIUNG,  
Respondent.

No. 91401-COA

FILED

MAY 27 2026

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY:   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Julie Rae Seidlinger appeals from an amended district court order, certified as final under NRCP 54(b), denying motions seeking to modify a child custody order. Eighth Judicial District Court, Clark County; Gregory G. Gordon, Judge.

Julie and respondent Roger Weibar Hsiung married in 2008 and they share three minor children. In 2018, Julie filed a complaint for divorce and sought joint legal custody and primary physical custody of the children. Roger subsequently answered the complaint. During the later district court proceedings, Julie alleged that Roger physically, verbally, and emotionally abused the children, but Roger denied those allegations. The parties and their children engaged in a child custody evaluation and, in the course of the evaluation process, they discussed the aforementioned allegations with the evaluator. The parties thereafter stipulated to share joint legal and physical custody of the children, and the district court entered a decree of divorce adopting that stipulation.

Approximately three years later, Julie filed a motion to modify custody, requesting the district court temporarily award her primary physical custody of the children to ensure their safety. In her motion, Julie noted that she raised concerns regarding Roger's behavior toward the children prior to entry of the divorce decree and alleged that the children reported to her that Roger continued to exhibit the same behavior. Julie attached to her motion excerpts of one child's journals and various other writings and drawings that she asserted supported her allegations. However, Julie acknowledged in her motion that she did not have independent proof that Roger engaged in acts of domestic violence against the children. Julie also requested an order allowing the children to participate in interviews at the Family Mediation Center, as she explained her belief that interviews were an efficient and effective way for the district court to receive insight into the children's experiences with Roger.

Roger filed an opposition to Julie's motion, arguing Julie's allegations were insufficient to establish a prima facie case for modification as they were merely cumulative of her prior allegations. Roger also filed a countermotion to modify custody, as he alleged Julie engaged in parental alienation through her improper allegations of abuse and modification of the custodial arrangement to award him primary physical custody of the children was warranted. Julie subsequently filed a reply in support of her motion and opposition to Roger's countermotion, in which she alleged Roger recently slapped one child's hands in an effort to force that child to complete a drawing.

The district court subsequently issued a written order denying Julie's motion and Roger's countermotion without conducting an

evidentiary hearing. The court reviewed the allegations raised by both parties and determined that neither party's allegations were sufficient to establish a prima facie case for modification. The court explained that both parties' allegations were too vague and lacking in specificity to warrant an evidentiary hearing. The court also denied Julie's request to order the children to participate in interviews, explaining it did not see any advantage in requiring the children to participate in such an activity.

Julie thereafter filed a motion to amend the district court's decision or, in the alternative, for the court to certify its decision as final pursuant to NRCP 54(b). Roger opposed the motion. The court subsequently issued a written order in which it provided additional explanation for its decision to reject the parties' requests to modify the custody arrangement and granted Julie's motion to the extent it requested clarification of the court's decision. However, the court denied Julie's request to change its decision to deny her request to modify the custody arrangement without conducting an evidentiary hearing. The court explained that Julie's allegations were insufficient to demonstrate that a material change in circumstances since entry of the divorce decree had occurred. Moreover, the court explained that, even taking as true Julie's allegation of a single incident of hand slapping, such an allegation did not amount to a substantial change in circumstance affecting the welfare of the child given the circumstances at issue in this matter. Based on the foregoing, the district court certified its custody decision as final pursuant to NRCP 54(b). This appeal followed.

First, Julie challenges the district court's decision to deny her motion to modify custody without conducting an evidentiary hearing, as she

argues that she stated a prima facie case to modify the custody arrangement. Julie contends that she provided specific allegations in support of her request to modify custody. She also contends the district court did not consider her allegations as true when evaluating her motion, but rather improperly made credibility determinations and required her to submit admissible evidence in support of her motion.

This court reviews the denial of a motion to modify custody without an evidentiary hearing for abuse of discretion. *Myers v. Haskins*, 138 Nev. 553, 556, 513 P.3d 527, 531 (Ct. App. 2022). A court abuses its discretion if “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. A prima facie case requires that the movant demonstrate 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) (internal quotation marks omitted), *abrogated in part on other grounds by Killebrew v. State ex rel. Donohue*, 139 Nev. 401, 535 P.3d 1167 (2023). The changed-circumstances prong of the foregoing test “is based on the principle of res judicata and prevents persons dissatisfied with custody decrees [from filing] immediate, repetitive, serial motions until the right circumstances or the right judge

allows them to achieve a different result, based on essentially the same facts.” *Ellis v. Carucci*, 123 Nev. 145, 151, 161 P.3d 239, 243 (2007) (alteration in original) (internal quotation marks omitted). We note that “demonstrating a prima facie case for modification is a heavy burden.” *Myers*, 138 Nev. at 560, 513 P.3d at 534 (internal quotation marks and emphasis omitted).

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 quotation 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. And the district court “must generally consider only the properly alleged facts in the movant’s verified pleadings, affidavits, or declarations.” *Id.* at 553, 513 P.3d at 529-30. “Additionally, in determining whether the movant has demonstrated a prima facie case for modification, district courts need not consider facts that are irrelevant to the grounds for modification, that are cumulative, or that are impeaching.” *Id.* at 559, 513 P.3d at 533 (footnotes omitted).

In her motion to modify custody, Julie noted her pre-decree concerns regarding Roger’s behavior toward the children and alleged that Roger was engaging in similar behavior. Julie also generally alleged that there was a difference in the type, frequency, and severity of Roger’s behavior. However, in her motion, Julie did not provide specific factual allegations concerning Roger’s behavior.

As previously explained, the district court reviewed the allegations contained within Julie's motion to modify and determined that an evidentiary hearing was not warranted as Julie did not state a prima facie case for modification. The court noted that Julie had generally alleged that Roger engaged in the type of physical and verbal abuse that was raised prior to entry of the divorce decree. However, the court determined that Julie failed to support her allegations with any detail or specificity, explaining that "Julie makes vague, nebulous and general allegations" that Roger committed abuse. The court further determined that Julie's generic and nebulous accusations were insufficient to state a prima facie case for modification of the custody arrangement. *See Myers*, 138 Nev. at 559, 513 P.3d at 534 (stating "courts are not required to consider a movant's general, vague, broad, or conclusory allegations"). The court also explained that, even viewing the information Julie submitted in support of her motion as true, Julie failed to establish a prima facie case warranting modification of the custody arrangement.

Based on the record before this court, we conclude Julie does not demonstrate that no reasonable judge could have concluded that her allegations were so lacking in specificity that she failed to meet a prima facie case for modification of the child custody arrangement. *See Leavitt*, 130 Nev. at 509, 330 P.3d at 5. Moreover, Julie does not demonstrate the court made credibility determinations without conducting an evidentiary hearing. Further, Julie's contention that the district court required her to submit admissible evidence before evaluating her contentions is not supported by the record before this court, as the district court specifically stated it reviewed Julie's allegations and the documents she submitted in

support of her allegations, but determined that she failed to state a prima facie case for modification “[e]ven when the proffered evidence is accepted as true and viewed in a light most favorable to [Julie].”

In addition, the district court explained that, even accepting Julie’s allegations raised in her reply concerning the hand-slapping incident as true, the single incident that occurred after Julie filed the motion to modify custody was insufficient to amount to a substantial change in circumstances warranting modification of the existing custody arrangement. *See Myers*, 138 Nev. at 559, 513 P.3d at 533-34 (explaining that district courts need not “consider allegations which, even if proven, would only permit inferences sufficient to establish grounds for a custody change” (internal quotation marks omitted)). And Julie does not demonstrate that no reasonable judge could have reached that conclusion given the circumstances at issue in this matter. *See Leavitt*, 130 Nev. at 509, 330 P.3d at 5; *see also Myers*, 138 Nev. at 560, 513 P.3d at 534. Considering the heavy burden Julie bore to establish a prima facie case for modification, the discretionary review standard applicable to a district court’s determination regarding a motion to modify custody, and the circumstances of this case, we conclude Julie fails to demonstrate the district court abused its discretion by denying her motion to modify custody without first conducting an evidentiary hearing. *See Myers*, 138 Nev. at 556, 513 P.3d at 531.<sup>1</sup>

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<sup>1</sup>To the extent Julie also argues the district court abused its discretion by declining to amend its decision without conducting an evidentiary hearing, we conclude she is not entitled to relief. *See AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 589, 245 P.3d 1190, 1197 (2010)

Second, Julie argues the district court abused its discretion by denying her request for discovery pursuant to NRCP 16.21. “Discovery matters are within the district court’s sound discretion, and we will not disturb a district court’s ruling regarding discovery unless the court has clearly abused its discretion.” *Club Vista Fin. Servs. v. Eighth Jud. Dist. Ct.*, 128 Nev. 224, 228, 276 P.3d 246, 249 (2012). Pursuant to NRCP 16.21(b), postjudgment discovery in family law matters may occur if a district court sets an evidentiary hearing or upon a showing of good cause. “[P]ostjudgment discovery is generally not permitted in child custody cases without setting a subsequent evidentiary hearing because what is discovered should not be considered in the district court’s” determination of whether to conduct an evidentiary hearing. *Myers*, 138 Nev. at 562 n.14, 513 P.3d at 536 n.14.

The district court noted Julie requested an order permitting the children to be interviewed but it denied that request as it found such interviews would not be beneficial to the children. We conclude Julie fails to demonstrate the district court abused its discretion in this regard. See *Flynn v. Flynn*, 120 Nev. 436, 440, 92 P.3d 1224, 1226-27 (2004) (explaining that appellate courts presume the district court properly exercised its discretion in determining a child’s best interest). Moreover, because the district court did not set this matter for an evidentiary hearing and because Julie failed to demonstrate good cause for postjudgment discovery, we conclude the court did not abuse its discretion by denying Julie’s motion to

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(reviewing an order denying a motion to alter or amend for an abuse of discretion).

modify custody without permitting Julie to conduct postjudgment discovery.<sup>2</sup> See *Myers*, 138 Nev. at 562 n.14, 513 P.3d at 536 n.14.

Having concluded Julie is not entitled to relief, we  
ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

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

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

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

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<sup>2</sup>We note the district court did not specifically address Julie's request to conduct discovery pursuant to NRCP 16.21 in its orders denying the parties' requests to modify the custody arrangement. However, by entering the orders denying the requests to modify custody without conducting an evidentiary, the court effectively denied Julie's request for postjudgment discovery pursuant to NRCP 16.21. See *Bd. of Gallery of Hist., Inc. v. Datecs Corp.*, 116 Nev. 286, 289, 994 P.2d 1149, 1150 (2000) (concluding that a district court's failure to rule on a request constitutes a denial of that request).

<sup>3</sup>Insofar as Julie raises other arguments not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.

cc: Hon. Gregory G. Gordon, District Judge  
Ford & Friedman, LLC  
Pecos Law Group  
Eighth District Court Clerk