

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STEVEN AARON FISHER,
Appellant,
vs.
BEATRIZ M. WING,
Respondent.

No. 91269-COA

FILED

MAY 28 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Elizabeth A. Brown*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Steven Aaron Fisher appeals from an amended decree of divorce. Eleventh Judicial District Court, Lander County; Jim C. Shirley, Judge.

Fisher and respondent Beatriz M. Wing were married in 2011 and were subsequently divorced by way of a decree of divorce entered in October 2023. Ultimately, the district court entered an amended divorce decree after Wing moved for reconsideration, which made an unequal distribution of community property based on the court's finding that Fisher committed marital waste in two instances and awarded alimony and attorney fees to Wing. Fisher appealed and Wing cross-appealed, which this court previously resolved.

In the prior appeal, Fisher challenged the district court's characterization of a New York Life Premier II IRA (NYL IRA), a 2007 Harley Davidson, and a New York Life IAC Protector 2005 Universal Life policy (Protector ULP) as community property; challenged findings that he committed marital waste by using community funds to pay his divorce and

criminal attorneys; and challenged the award of alimony to Wing as ambiguous. *See Fisher v. Wing*, No. 87698-COA, 2025 WL 1770808 (Nev. Ct. App. Jun. 25, 2025) (Order of Affirming in Part, Vacating in Part, Reversing in Part, and Remanding). Wing cross-appealed seeking additional funds based on marital waste and asserting that the court's attorney fee award did not explain why it reduced the award. *See id.* at *2, *5-6. This court affirmed the district court's findings that the motorcycle and the Protector ULP were community property and also affirmed the alimony award to the extent the award provided Wing \$1,200 per month for five years. *Id.* at *2, *4-5. However, this court reversed the district court's characterization of the NYL IRA as community property, concluding that the characterization was not supported by sufficient findings; reversed the finding of marital waste and rejected Wing's argument seeking additional funds on that basis; and vacated the attorney fee award finding that the district court's explanation for reducing the award was not logically consistent. *Id.* at *2-3, *4-6.

On remand, the district court found that the NYL IRA was community property. It cited evidence that the account was opened in April 2019, during the marriage. Although Fisher provided evidence that the account was funded by a premarital asset, he offered no additional evidence showing that the account from which the funds originated consisted entirely of separate property. Thus, the court found that Fisher did not demonstrate that the asset was separate property. As to alimony, the district court clarified its order that Fisher pay Wing \$1,200 per month for five years. And, with regard to attorney fees, the district court considered the evidence

Neither Fisher nor Wing reside in Washoe County, and it has no relation to the case. Fisher included some information about his medical issues but did not support his motion with affidavits describing how he or other witnesses would be inconvenienced by further proceedings in Lander County. *See Mountain View Rec. v. Imperial Com.*, 129 Nev. 413, 419, 305 P.3d 881, 885 (2013) (requiring a defendant seeking to transfer venue to submit affidavits with specific facts rather than “general allegations regarding inconvenience or hardship”). Moreover, the matter was remanded for the district court to address errors in the decree and make additional findings; no additional witnesses or testimony were presented. As Fisher did not demonstrate “exceptional circumstances” supporting a change of venue, he failed to demonstrate that the district court abused its discretion in denying his motion. *See id.* (recognizing the district court’s “wide discretion” in deciding motions to transfer venue for forum non conveniens).³

Next, Fisher challenges the district court’s division of property. We review a district court’s distribution of property in a divorce proceeding for an abuse of discretion. *Schwartz v. Schwartz*, 126 Nev. 87, 90, 225 P.3d 1273, 1275 (2010). This court will affirm the district court’s property characterization, so long as it is supported by substantial evidence. *Lopez v. Lopez*, 139 Nev. 533, 541, 541 P.3d 117, 125 (Ct. App. 2023). Substantial evidence is that which a reasonable person may accept as adequate to

³To the extent Fisher asserts the proceedings could not be fair in Lander County because the district court had erred in several respects, as we explain later in this decision, Fisher’s contentions lack merit.

sustain a judgment. *Id.* “However, in reaching a determination, the district court must apply the correct legal standard.” *Kerley v. Kerley*, 111 Nev. 462, 465, 893 P.2d 358, 360 (1995).

Fisher argues that the district court again improperly deemed the NYL IRA as community property. He insists that the record showed that, although the NYL IRA was established during the marriage in 2019, it had been a rollover from an account established in 2007, before the parties were married.⁴

Generally, property acquired after marriage by either or both spouses is considered to be community property. NRS 123.220; *see Moberg v. First Nat'l Bank of Nev.*, 96 Nev. 235, 237, 607 P.2d 112, 114 (1980) (presuming property purchased during the marriage with funds of uncertain origin was community property). A spouse claiming that property acquired during the marriage is their separate property must prove their interest by clear and convincing evidence. *Pryor v. Pryor*, 103 Nev. 148, 150, 734 P.2d 718, 719 (1987).

Evidence showed that the NYL IRA was opened during the marriage. Therefore, the district court properly presumed the NYL IRA was community property. *See* NRS 123.220. The burden then shifted to Fisher to overcome this presumption by clear and convincing evidence. *See Lopez*, 139 Nev. at 541, 541 P.3d at 125. Fisher asserted that the NYL IRA was

⁴To the extent Fisher contends that he was “bullied” into using community funds to pay for his attorneys, this contention is irrelevant because this court already reversed the district court’s conclusions regarding marital waste.

funded with a rollover from an account opened before the marriage. However, he did not introduce records concerning the originating account after the parties married or the NYL IRA account before the parties separated. Thus, without sufficient evidence tracing the funds in either account during the marriage, Fisher did not rebut the presumption that the NYL IRA was community property by clear and convincing evidence. See *Malmquist v. Malmquist*, 106 Nev. 231, 245, 792 P.2d 372, 381 (1990) (describing a separate property owner's burden of rebutting presumption that account contents are community funds when commingling has occurred). Accordingly, the district court did not abuse its discretion in characterizing the NYL IRA as community property.

Fisher also contends that the district court erred in awarding him a lien on the marital residence because it was illiquid and uncertain; inaccurately valuing the life insurance policies included in the community estate; failing to divide Wing's Disney retirement account as community property or grant Fisher an accounting of other assets; and failing to order Wing to pay restitution for stolen assets and forged checks.

We conclude that these contentions are not properly addressed in this appeal. As discussed above, this court only vacated the findings regarding the characterization of the NYL IRA, the finding of marital waste, and the amount awarded to Wing in attorney fees. See *Fisher*, No. 87968-COA, 2025 WL 1770808, at *2-3, *5-6. It affirmed the decree in all other respects. See *id.* Fisher did not challenge the district court's use of a lien to divide community property, the valuation of the life insurance policies, the failure to divide Wing's Disney retirement, or the failure to find Wing

engaged in misconduct in his first appeal and thus those issues fall outside of the scope of this court's order on remand. See *Palmieri v. Clark Cnty*, 131 Nev. 1028, 1033 n.2, 367 P.3d 442, 446 n.2 (Ct. App. 2015) (stating that issues that are not raised on appeal are deemed forfeited); see also *Recontrust Co. v. Zhang*, 130 Nev. 1, 9, 317 P.3d 814, 819 (2014) (recognizing that generally an issue cannot be raised in a second appeal if it could have been raised in the first appeal, but was not).⁵

Next, Fisher argues that the district court erred in awarding alimony. He contends that the district court erred because Wing abandoned Fisher. See NRS 123.100. In the prior appeal, this court affirmed the award of alimony of \$1,200 per month for five years. *Fisher*, No. 87698-COA, 2025 WL 1770808, at *5. This conclusion constitutes the law of the case. See *Tien Fu Hsu v. Cnty. of Clark*, 123 Nev. 625, 629-30, 173 P.3d 724, 728 (2007) (“Under the law of the case doctrine, when an appellate court states a principle or rule of law necessary to a decision, the principle or rule becomes the law of the case and must be followed throughout its subsequent progress, both in the lower court and upon subsequent appeal.” (alteration and internal quotation marks omitted)). And Fisher does not assert circumstances exist to avoid the application of the law of the case doctrine. See *id.* at 630-31, 173 P.3d at 728-29 (2007) (discussing when the doctrine

⁵Fisher appears to contend the district court erred by issuing the amended decree without providing him the opportunity to present additional argument at a hearing. However, the district court may issue a decision without permitting oral argument, 11JDCR 3.15(a) (“Decisions will be rendered without oral argument unless otherwise ordered by the court.”), and Fisher is accordingly not entitled to relief based on this contention.

of law of the case should not be applied). Accordingly, Fisher is not entitled to relief based on this argument.

In addition, Fisher argues that the award of attorney fees is unjust and punitive given that the Nevada Supreme Court had recognized that Fisher was indigent.

“[T]he decision to award attorney fees [and costs] rests within the district court’s discretion, and we review such decisions for an abuse of discretion.” *O’Connell v. Wynn Las Vegas, LLC*, 134 Nev. 550, 554, 429 P.3d 664, 668 (Ct. App. 2018). In determining the reasonableness of requested attorney fees, the district court must consider the factors set forth in *Brunzell*, 85 Nev. 345, 455 P.2d 31. The district court need not make express findings for each *Brunzell* factor in its written order, although such written findings are preferred. *Logan v. Abe*, 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015). Instead, “the district court need only demonstrate that it considered the required factors, and the award must be supported by substantial evidence.” *Id.*

Here, the district court cited NRS 125.150(4) as a statutory basis for awarding fees, considered and made relevant findings regarding the *Brunzell* factors, and took into account the parties’ income disparity pursuant to *Wright*. Notably, it found that Fisher’s monthly income was \$7,922.82 and Wing’s monthly income from workers’ compensation was \$2,967.72. The court also found that Fisher’s attempts to hide and obfuscate his assets and earnings created significant difficulty in litigating the case. It concluded that Wing was entitled to \$37,419.25 in fees, and ordered


Fisher to pay \$11,860.25 and reduced his lien on the marital residence by \$25,559, for the remainder of the fee award.

Fisher does not challenge the application of the *Brunzell* factors or the findings pursuant to *Wright*. He does not argue that the district court's findings are unsupported by substantial evidence. Instead, he insists that the fee is inequitable because the Nevada Supreme Court recognized that he was indigent. While Fisher filed a motion to proceed in forma pauperis, he also paid the filing fee and, therefore, the supreme court took no action on his motion. Accordingly, he fails to demonstrate that the district court abused its discretion in awarding attorney fees to Wing. See *O'Connell*, 134 Nev. at 554, 429 P.3d at 668.

Finally, Fisher argues that the district court was biased against him. We conclude that relief is unwarranted on this point because Fisher 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*, 138 Nev. 1, 6, 501 P.3d 980, 984 (2022). Therefore, we conclude that Fisher is not entitled to relief based on this argument. Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁶



, C.J.

Bulla



, J.

Gibbons



, J.

Westbrook

cc: Eleventh Judicial District Court Clerk/Court Administrator
Steven A. Fisher
Amens Law, LLC
Clerk of the Court/Court Administrator

⁶Insofar as Fisher 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. In addition, we have reviewed Fisher’s motion filed on February 23, 2026, and conclude no relief is warranted.