



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

IN THE MATTER OF THE
GUARDIANSHIP OF: E.I.C., A MINOR
PROTECTED PERSON.

No. 91844-COA

RICHARD DOMINIC CLEMENTS,
Appellant,
vs.
CAROLYN LOUISE REED AND JOELL
REED,
Respondents.

ORDER OF AFFIRMANCE

Richard Dominic Clements appeals from a district court order denying an emergency motion to terminate the guardianship over his daughter, E.I.C. Eighth Judicial District Court, Family Division, Clark County; Stacy Michelle Rocheleau, Judge.

In April 2017, the district court granted respondents Joelle Reed and Carolyn Louise Reed's (guardians) request for guardianship over two minor children, E.I.C. and E.M.D. The guardians, who had been caring for the children, alleged that the children's parents could not care for them. Over the subsequent years, Richard repeatedly attempted to terminate the guardianship over E.I.C. with no success.

In September 2025, Richard filed an emergency motion to vacate the guardianship. He asserted that the order granting guardianship over E.I.C. was void for lack of service and he was entitled to relief from that order pursuant to NRCP 60(b)(4). Richard insisted that the district court

had recognized the record was devoid of proper service in other orders denying his prior attempts to terminate the guardianship. He also appeared to assert in the instant matter that the district court employed an improper, retroactive standard in denying his prior challenges and the court's repeated errors evidence judicial corruption throughout his case. Richard asked the district court to find that all the guardianship orders were void and terminate the orders immediately. Alternatively, if the district court reached the merits of his petition, he asked the court to adjudicate the termination based apparently on factual allegations about whether terminating the guardianship was in E.I.C.'s best interest that were made in prior challenges or order a hearing on the petition.

The district court denied Richard's motion. The court found that Richard's motion was void as it had not been properly served on the appropriate parties. The court also elected to address the merits of the motion. The court found that Richard's claims that he had not been properly served with the initial guardianship had been addressed in prior proceedings and were previously found not to be a sufficient basis upon which to terminate the guardianship, such that "the issue of service [was] res judicata." It further found that Richard failed to set forth factual allegations, authority, and analysis demonstrating that termination of the guardianship was in the child's best interest. This appeal followed.

Preliminarily, we note that although the district court denied Richard's motion in part because he failed to effect proper service of his motion, Richard fails to substantively address this ground for dismissal on appeal. Because Richard has failed to challenge this independent ground

upon which his motion was denied, he has forfeited any arguments related to the same. *See Powell v. Liberty Mut. Fire Ins. Co.* , 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that arguments not raised on appeal are deemed forfeited); *see also Hung v. Genting Berhad* , 138 Nev. 547, 547-48, 513 P.3d 1285, 1286 (Ct. App. 2022) (stating that, when a district court resolves a case on multiple grounds and the appellant fails to challenge each alternative ground on appeal, those challenges are forfeited, “thereby foreclosing [the] appeal as it concerns the district court’s . . . ruling”). Accordingly, Richard did not demonstrate that the district court abused its discretion in denying his motion on this basis. *See Abreu v. Gilmer* , 115 Nev. 308, 312-13, 985 P.2d 746, 749 (1999) (reviewing dismissal of an action for failure to serve process for an abuse of discretion).

Turning to Richard’s arguments on appeal, Richard contends that the district court erred in denying his motion to terminate the guardianship because the original guardianship order was void for lack of proper service pursuant to NRS 159A.034(1). Richard points to prior district court orders denying his attempts to terminate the guardianship, which he contends acknowledged the lack of proof of service in the record. He insists that the district court erred in upholding the guardianship based on *res judicata* given his repeated challenges. He asserts that the guardianship order was entered without jurisdiction and therefore void, entitling him to relief from the guardianship order pursuant to NRCP 60(b)(4).

We review Richard’s challenges to the district court’s decision denying his motion to terminate guardianship for an abuse of discretion.

See In re Guardianship of L.S. & H.S. , 120 Nev. 157, 163, 87 P.3d 521, 525 (2004) (reviewing guardianship decisions for an abuse of discretion). In addition, the district court also enjoys “wide discretion in deciding whether to grant or deny a motion to set aside judgment under NRCP 60(b).” *Rodriguez v. Fiesta Palms, LLC* , 134 Nev. 654, 656, 428 P.3d 255, 257 (2018). If the service of process is ineffective, a judgment may be set aside as void. *See* NRCP 60(b)(4); *Browning v. Dixon* , 114 Nev. 213, 218, 954 P.2d 741, 744 (1998) (finding that failure to exercise due diligence rendered service of process improper and voided the judgment). The policy of resolving cases on their merits is heightened in domestic relations matters. *Price v. Dunn* , 106 Nev. 100, 105, 787 P.2d 785, 788 (1990), *disapproved on other grounds by NC-DSH, Inc. v. Garner* , 125 Nev. 647, 218 P.3d 853 (2009).

Having reviewed the record, we conclude that the district court’s findings regarding Richard’s arguments seeking relief from judgment are supported by the record. Contrary to Richard’s representations in his motion below and arguments on appeal, the district court found in its August 2023 order that notice for the original guardianship proceeding was sufficient and that the guardians were credible in their testimony concerning the issue of service. And the district court, in reviewing Richard’s 2025 motion, noted that it had already considered and rejected Richard’s contentions regarding service of the guardianship petition. *See Litchfield v. Tucson Ridge Homeowners Ass’n* , 140 Nev., Adv. Op. 57, 555 P.3d 267, 270-71 (2024) (explaining that generally “a legal decision made at one stage of a criminal or civil proceeding

should remain the law of that case throughout the litigation” unless an exception to the law of the case doctrine applies (internal quotation marks omitted)).

Moreover, the district court appointed guardians for E.I.C. in April 2017, and accordingly, Richard bore the “burden of proof to show by clear and convincing evidence that the termination or modification of the guardianship of the person . . . is in the best interests of the ward.” NRS 159.1905(3)(a) (2003); 2003 Nev. Stat., ch. 322, § 110, at 1799.¹ Nevertheless, Richard’s motion focused solely on the procedure granting the guardianship in 2017; he did not allege facts to demonstrate that terminating the guardianship was in E.I.C.’s best interest. See NRS 159.1905(3)(a) (2003); 2003 Nev. Stat., ch. 322, § 110, at 1799. The district court accordingly found that Richard failed to demonstrate termination of the guardianship was in the best interest of E.I.C. Therefore, we conclude

¹NRS 159A.1915(1)(b) now requires parents who did not consent “to the guardianship when it was created” to show by clear and convincing evidence “a material change in circumstances since the time the guardianship was created” and that “the welfare of the protected minor would be substantially enhanced by the termination of the guardianship and the placement of the protected minor with the parent.” However, NRS 159A.1915 does not apply to guardianships created before it became effective in July 2017. 2017 Stat. Nev., ch. 172, §§ 219, 221, at 910 (noting that the act became effective on July 1, 2017, and that “[t]he amendatory provisions of this act apply to any proceeding or matter commenced or undertaken on or after July 1, 2017”); see also *In re Guardianship of: A.S.*, No. 73876, 2018 WL 5291457, at *2 & n.2 (Nev. Oct. 18, 2018) (Order of Reversal and Remand) (noting that NRS 159A.1915 did not apply to a petition to terminate where the mother stipulated to the guardianship before 2017).

Richard does not show the district court abused its discretion by denying his motion. *In re Guardianship of L.S. & H.S.* , 120 Nev. at 163, 87 P.3d at 525; *Rodriguez*, 134 Nev. at 656, 428 P.3d at 257.

In light of the foregoing, we conclude Richard is not entitled to relief and we

ORDER the judgment of the district court AFFIRMED. ²



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Stacy Michelle Rocheleau, District Judge, Family Division
Richard Dominic Clements
Carolyn Louise Reed
Joel Reed
Kira Wade
Eighth District Court Clerk

²Insofar as Richard 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.