



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MICHAEL MARTIN,
Appellant,
vs.
DANIELLE DENISE MARTIN N/K/A
DANIELLE DENISE PALMER,
Respondent.

No. 91865-COA

ORDER OF AFFIRMANCE

Michael Martin appeals from a district court order denying a motion to reconsider or, in the alternative, seeking relief under NRCP 60(b). Eighth Judicial District Court, Clark County; Hon. Heidi Almase, Judge.

Michael and respondent Danielle Denise Palmer were divorced in 2017, and share three children, one of whom is still a minor. Since their divorce, the parties have repeatedly litigated matters in the district court and Nevada Supreme Court. *See Martin v. Palmer (Martin III)*, No. 88063, 2025 WL 1156746 (Nev. Apr. 17, 2025) (Order of Affirmance); *Martin v. Martin (Martin II)*, No. 87496, 2024 WL 3841585 (Nev. Aug. 14, 2024) (Order Dismissing Appeal); *Martin v. Martin (Martin I)*, No. 85323, 2023 WL 3055103 (Nev. April 21, 2023) (Order Affirming in Part and Dismissing Appeal in Part). Pursuant to a post-decree stipulation, Danielle has primary physical custody and primary legal custody as to in-network medical decisions and extra-curricular activities.

In April 2025, the supreme court affirmed an order awarding attorney fees to Danielle. *Martin III*, 2025 WL 1156746, at *1-2. Subsequently, in May 2025, Michael filed a motion seeking reconsideration of district court orders filed on September 20, 2023; January 5, 2024; and January

10, 2024. The September 20 order denied Michael's opposition to the appointment of a parenting coordinator and his request for a child support review. The January 5 order denied Michael's motion to stay the order appointing a parenting coordinator pending an appeal, and the January 10 order granted Danielle's request for attorney fees related to litigating the appointment of a parenting coordinator.

In his May 2025 motion, Michael asserted the district court improperly used procedural rules to circumvent his constitutional rights in both the district court and on appeal. He sought to have the September 20 order deemed unenforceable and to have the January orders vacated. Michael also requested modification of the child support obligation, return of overpaid child support, an order regarding future legal fees, and modification of the custody order for specific drop off and pick up instructions. Danielle opposed the motion.

The district court observed that Michael filed his motion seeking reconsideration of the September 20 order 590 days after the September 21, 2023, notice of entry of the order and 478 days after the January 10, 2024, notices of the entry of the January 5 and January 10 orders. The district court observed that Michael's motion requested a "complete review of the record and correct[ion of] all the errors of the District Court, including the error he believes the Nevada Supreme Court made in the Order Affirming in Part and Dismissing Appeal in Part . . . and Order of Affirmance."

To the extent Michael sought reconsideration of the prior orders, the district court determined Michael's motion was untimely as it was not filed within 14 days pursuant to EDCR 5.516(a). Further, the court determined that it lacked authority to reconsider any of Michael's challenges to supreme

court decisions. It also found that Michael failed to identify specific errors he wanted corrected as to matters that had not been addressed on appeal.

The district court further evaluated Michael's contentions to the extent the motion could be construed as seeking relief pursuant to NRCP 60. The district court determined that it lacked authority to grant any relief from orders that were affirmed by the supreme court. It further evaluated his motion using the factors set forth in *Yochum v. Davis*, 98 Nev. 484, 653 P.2d 1215 (1982), *overruled on other grounds by Epstein v. Epstein*, 113 Nev. 1401, 1405, 950 P.2d 771, 773 (1997). As to the matters that were not adjudicated in the supreme court, the district court determined that Michael did not promptly apply to remove the judgments as was required by NRCP 60(c) and *Yochum*. In addition, the court found that Michael did not demonstrate the request was made in good faith. While the court found Michael did not intend to delay the proceedings and he likely lacked knowledge of procedural requirements, the court further found he did not "allege or identify mistake, inadvertence, surprise, or excusable neglect, newly discovered evidence that could not have been discovered with diligence, fraud, the judgment is void, or any other reason that justifies relief."

As to Michael's remaining requested relief, the district court denied the request to modify child support, the request for repayment of overpaid child support, and the request regarding future attorney fees without prejudice because these arguments lacked sufficient points and authorities supporting each request pursuant to EDCR 5.503(a). The court also denied Danielle's countermotion for attorney fees and costs and the district court declined to consider new requests for relief raised in Michael's reply. This appeal followed.

On appeal, Michael argues that the district court and supreme court violated his due process rights, used procedural rules to his detriment throughout the litigation of the child custody and support matters, and fundamentally undermined the proceedings in the district court and appellate review process. He also asserted errors and omissions regarding orders which were not identified in the instant notice of appeal, particularly concerning the appointment of the parenting coordinator. He asserts that the district court has repeatedly relied on a stipulation and order from August 2020 to impede his parental rights. He argues that the district court abused its discretion in denying his request for the return of overpaid child support. Michael asserts that his motion was timely filed pursuant to EDCR 5.516(a) because it was filed shortly after *Martin III* and he asserts that the period for filing was tolled while that appeal was pending. Michael argues that the district court erred in concluding that he filed the motion to reconsider in bad faith because, according to Michael, the district court acted in bad faith throughout the proceedings.

First, to the extent Michael challenges the denial of his motion as one seeking reconsideration, we conclude he fails to demonstrate he is entitled to relief. We review a district court's decision to deny a motion for reconsideration for abuse of discretion. *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 589, 245 P.3d 1190, 1197 (2010). "Reconsideration may be appropriate where a party introduces substantially different evidence or the court's decision is clearly erroneous." *Saticoy Bay, LLC v. Thornburg Mortg. Sec. Tr. 2007-3*, 138 Nev. 335, 344, 510 P.3d 139, 146 (2022). Moreover, "[o]nly in very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for

rehearing be granted.” *Moore v. City of Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976).

Here, the district court found that Michael’s motion was untimely. *See* EDCR 5.516(a). However, the court also found that his request for the court to review the record and correct any errors made by it or the supreme court was not a proper basis for it to reconsider any previous decision. Because Michael did not introduce substantially different evidence or demonstrate that a prior decision was clearly erroneous, *see Saticoy Bay, LLC*, 138 Nev. at 344, 510 P.3d at 146, we determine he fails to demonstrate the district court abused its discretion by denying his motion to reconsider, *see AA Primo Builders*, 126 Nev. at 589, 245 P.3d at 1197. Accordingly, Michael is not entitled to relief as to this issue.

Second, to the extent Michael’s arguments could be construed as challenging the district court’s denial of a motion seeking relief from judgment under NRCP 60(b), we also determine Michael fails to demonstrate the district court abused its discretion. We review the denial of an NRCP 60(b) motion for an abuse of discretion. *Rodriguez v. Fiesta Palms, LLC*, 134 Nev. 654, 656, 428 P.3d 255, 257 (2018), *holding modified by Willard v. Berry-Hinckley Indus.*, 136 Nev. 467, 470-71 n.6, 469 P.3d 176, 180 n.6 (2020). We give wide discretion to the district court’s ruling on NRCP 60(b) motions. *Id.* Nevertheless, the district court abuses its discretion when it disregards guiding legal principles. *McKnight Family, LLP v. Adept Mgmt. Servs., Inc.*, 129 Nev. 610, 617, 310 P.3d 555, 559 (2013).

Under NRCP 60(b)(1), the district court may relieve a party from a final judgment on grounds of “mistake, inadvertence, surprise, or excusable neglect.” “NRCP 60(b)(1) operates as a remedial rule that gives due consideration to our court system’s preference to adjudicate cases on the

merits, without compromising the dignity of the court process.” *Willard*, 136 Nev. at 469, 469 P.3d at 179. In *Yochum*, the supreme court held that when a trial court determines whether grounds for NRCP 60(b)(1) relief exist, the district court must apply four factors: “(1) a prompt application to remove the judgment; (2) the absence of an intent to delay the proceedings; (3) a lack of knowledge of procedural requirements; and (4) good faith.” 98 Nev. at 486, 653 P.2d at 1216. The district court must also consider Nevada’s bedrock policy to adjudicate cases on their merits whenever feasible in determining an NRCP 60(b)(1) motion. *Rodriguez*, 134 Nev. at 657, 428 P.3d at 257.

Having reviewed the record, we conclude that Michael did not demonstrate that the district court abused its discretion in denying the motion to set aside the order modifying custody and support. Michael filed his motion more than six months after notice of entry of the challenged orders was served, and he therefore could not properly seek NRCP 60(b) relief from those orders. See NRCP 60(c)(1) (providing that a motion seeking relief pursuant to NRCP 60(b)(1)-(3) must be filed within six months of the challenged order); *Vargas v. J Morales Inc.*, 138 Nev. 384, 387-88, 510 P.3d 777, 780 (2022).

Additionally, the district court made findings regarding the *Yochum* factors and Michael does not demonstrate its findings amounted to an abuse of discretion. Notably, the court concluded that the motion was not promptly filed and that Michael did not demonstrate it was filed in good faith. The district court’s findings on the *Yochum* factors are supported by substantial evidence in the record, and we will not reweigh the facts on appeal. *Willard*, 136 Nev. at. 471, 469 P.3d at 180; see also *Jackson v. Groenendyke*, 132 Nev. 296, 303, 369 P.3d 362, 367 (2016) (declining to reweigh the facts where the district court’s findings were based on substantial evidence). In light of the foregoing, Michael fails to demonstrate the district court abused its

discretion by denying his motion seeking relief from judgment under NRCP 60(b). *See Rodriguez*, 134 Nev. at 656, 428 P.3d at 257. Accordingly, we ORDER the judgment of the district court AFFIRMED.¹



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Heidi Almase, District Judge
Nevada Family Law Group
Michael Robert Martin
Eighth District Court Clerk

¹Insofar as Michael 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.