



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRANDON TROUT,
Appellant,
vs.
ANNASTACIA TROUT,
Respondent.

No. 91342-COA

ORDER OF AFFIRMANCE

Brandon Trout appeals from a district court post-divorce decree order granting attorney fees and costs. Eighth Judicial District Court, Clark County; Hon. Michele Mercer, Judge.

Brandon and respondent Annastacia Trout were in divorce proceedings and stipulated to joint legal and joint physical custody of their two children in July 2021. The parties stipulated that Brandon's child support obligation was in the amount of \$1,700 per month. They also stipulated that they would review the child support arrangements in May 2024 to make any adjustments. In September 2024, Annastacia filed a motion seeking, among other things, to modify child support and requested attorney fees pursuant to NRS 125B.140(2)(c)(2). She argued that Brandon's income had increased, and thus, child support should be modified. Brandon opposed the motion and sought attorney fees pursuant to NRS 18.010.

Subsequently, the district court held an evidentiary hearing on child support in June 2025 and determined that Brandon's income had increased over 20 percent. Thus, the court found it appropriate to modify Brandon's child support obligation to \$1,981 per month retroactive to September 2024 and ordered that arrears be calculated by the parties. With

respect to attorney fees, the court denied Brandon's request but allowed Annastacia to submit a memorandum of attorney fees and costs as she prevailed in the matter. Annastacia filed a memorandum of attorney fees and costs, which Brandon opposed. The district court thereafter granted Annastacia attorney fees pursuant to NRS 125B.140¹ in the amount of \$13,689. The court also awarded Annastacia's costs in the amount of \$10.50, finding that the costs were reasonable and necessary pursuant to the affidavit submitted. This appeal followed.

On appeal, Brandon argues that the district court abused its discretion in awarding attorney fees and costs. Specifically, he argues Annastacia is not entitled to an award of attorney fees under NRS 18.010(2)(b), as he was forced to litigate this matter. He also asserts the amount of attorney fees was unreasonable and that there was no evidence to support the hourly rates alleged. He further argues that Annastacia provided no documentation showing that any costs were actually incurred other than nondescript billing statements.

"We review a district court's decision regarding an award of attorney fees or costs for an abuse of discretion." *LVMPD v. Blackjack Bonding*, 131 Nev. 80, 89, 343 P.3d 608, 614 (2015). Before awarding attorney fees, a district court must consider the four factors articulated in *Brunzell v. Golden Gate National Bank*, 85 Nev. 345, 349, 455 P.2d 31, 33 (1969) (directing district courts, in determining a reasonable fee, to consider the quality of the advocate, the character of the work needed to be done, the work performed, and the result). Express findings on the *Brunzell* factors are preferred but are

¹Absent a finding of undue hardship, NRS 125B.140(2)(c)(2) mandates an award of attorney fees if the court finds that child support arrearages are owed following a hearing on arrearages.

not required where the record demonstrates the court considered those factors and the award is supported by substantial evidence. *Logan v. Abe*, 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015). When awarding attorney fees in a family law case, the court must also consider the disparity in income pursuant to *Wright v. Osburn*, 114 Nev. 1367, 1370, 970 P.2d 1071, 1073 (1998). *Miller v. Wilfong*, 121 Nev. 619, 623-24, 119 P.3d 727, 730 (2005).

Here, the district court awarded attorney fees under NRS 125B.140, rather than NRS 18.010(2)(b), and Brandon does not present any argument concerning the propriety of the attorney fees awarded under NRS 125B.140. *See Palmieri v. Clark County*, 131 Nev. 1028, 1033 n.2, 367 P.3d 442, 446 n.2 (Ct. App. 2015) (providing that arguments not raised on appeal are deemed forfeited). Thus, we do not consider his arguments that attorney fees were unwarranted under NRS 18.010(2)(b), and this court also does not address whether NRS 125B.140 was a proper basis for awarding attorney fees under these circumstances. Moreover, the district court's order demonstrates that the court considered the factors set forth in *Brunzell* and provided sufficient findings regarding its reasoning behind the attorney fees awarded. It also considered the disparity in income, and found Brandon in a superior position to pay the fees and costs in this matter.

To the extent Brandon challenges the district court's award of attorney fees under *Brunzell* and argues that the attorney fees were not reasonable and that portions of the billing entries were insufficient, Brandon's appendix does not contain Annastacia's memorandum of attorney fees and costs, including any attached billing statements, or his opposition to the memorandum. It was Brandon's burden to provide an adequate appellate record, and when an appellant fails to include necessary documentation, this court necessarily presumes that the missing portions support the district

court's decision. *See Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007). Insofar as Brandon also asserts that Annastasia did not demonstrate that her costs were actually incurred, but instead, provided nondescript billing statements, we likewise presume that the missing portions of the record support the award of costs. *Id.* Thus, Brandon fails to demonstrate that the district court abused its discretion in awarding attorney fees and costs.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Michele Mercer, District Judge
Jones & LoBello
Annastacia Marie Trout
Eighth District Court Clerk