FILED
11/25/2026
ELIZABETH A. BROWN
CLERK OF SUPREME COURT

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JACOB SOVEY,
Appellant,
vs.
APRIL SOVEY,
Respondent.

No. 91048-COA

ORDER OF AFFIRMANCE

Jacob Sovey appeals from a district court order denying a motion to void a child support order. Second Judicial District Court, Family Division, Washoe County; Hon. Aimee Banales, Judge.

Jacob and respondent April Sovey filed the underlying divorce action in Washoe County and obtained a divorce decree in July 2011. Several years later, post-judgment, a separate but related child support case was filed, and Senior Judge Weller entered an order in February 2022, setting forth Jacob's ongoing child support obligation in the amount of $686 per month beginning January 2022 and determining he owed $412.24 for child support arrears.

In April 2025, Jacob filed a motion in the underlying divorce action, seeking to correct child support arrears, void an erroneous order, terminate a treasurer offset, determine overpaid support, enjoin enforcement, and transfer jurisdiction. Specifically, Jacob requested that the district court in the underlying divorce action issue an order correcting the arrears judgment entered in the parties' related child support case. Jacob alleged the Washoe County District Attorney's Office had historically miscalculated his child support arrears by

utilizing contradictory financial audits. He further claimed the judgment and order issued by Senior Judge Weller in February 2022 in the parties' child support matter should be considered void because, more than a decade earlier, he had filed a peremptory challenge against Senior Judge Weller in the parties' divorce case, resulting in this case being reassigned to a different judge, and thus, Senior Judge Weller should not have issued an order in the support action. Jacob also requested transcripts from hearings in the child support action.

Jacob separately moved to disqualify the current sitting judge in the divorce action, arguing she was biased against him. The judge filed a written response pursuant to NRS 1.235(7) and asserted that she was not biased. The Second Judicial District Court Chief Judge assigned Jacob's motion to be heard by another family court judge, who denied the motion.

Subsequently, Jacob filed a motion for default judgment on his motion to correct child support arrears in the divorce action, arguing that April had not timely responded to his motion. April thereafter filed an untimely opposition to Jacob's motion to correct arrears.

The district court in the underlying divorce action entered a written order denying Jacob's motions. The court found that Jacob had not presented any legal basis for setting aside the February 2022 order from the child support action and that all issues relating to child support would continue to be addressed in that case. The court further noted that there was no legal authority to support Jacob's request to find the February 2022 order void, observing that district court judges possess equal coextensive and concurrent jurisdiction and power, citing to NRS 3.220. The court also found that Jacob had not presented any legal

authority demonstrating that, because he filed a peremptory challenge against Senior Judge Weller in his divorce action, the judge was automatically precluded from rendering any decisions in the separate child support case. The court noted that while April's opposition was filed late, it was appropriate to consider her opposition so that it could reach a decision on the merits. Accordingly, the district court denied Jacob's motions. This appeal followed.

On appeal, Jacob argues that the district court committed reversible legal error by refusing to grant relief from the February 2022 child support order issued in the child support case, asserting the order is void ab initio for lack of jurisdiction. In making this argument, he avers that Senior Judge Weller was disqualified by a peremptory challenge issued in the divorce action. He further argues that the child support amount from the February 2022 order was incorrect and unenforceable.[1]

We review a district court's decision resolving a motion to set aside an order for abuse of discretion. *In re Harrison Living Tr.*, 121 Nev. 217, 224, 112 P.3d 1058, 1062 (2005) (reviewing a district court's decision concerning a motion brought under NRCP 60(b)(4) seeking to

[1]We note that the district court separately denied Jacob's request for hearing transcripts from the separate child support matter, and Jacob sought reconsideration of that decision. The district court subsequently denied the motion for reconsideration. To the extent Jacob challenges the district court's denials of his request for transcripts and motion for reconsideration, he has not demonstrated a basis for relief. *See, e.g., Sovey v. Washoe Cnty. Dist. Attorney's Off.*, No. 90941-COA, WL 2026 WL 2147280, at *2, n.2 (Nev. Ct. App. Jul. 24, 2026) (Order of Affirmance) (explaining that appellant was not entitled to a free copy of a hearing transcript from a separate district court matter).

set aside a void judgment for an abuse of discretion). While this court reviews factual findings deferentially, it reviews conclusions of law de novo. *Kilgore v. Kilgore*, 135 Nev. 357, 359-60, 449 P.3d 843, 846 (2019).

Pursuant to NRS 3.220, "[t]he district judges shall possess equal coextensive and concurrent jurisdiction and power." District courts therefore generally lack jurisdiction to review orders issued by other district courts. *State v. Sustacha*, 108 Nev. 223, 225, 826 P.2d 959, 960 (1992) (holding the district court exceeded its jurisdiction by voiding an order issued by a different district court). Here, we conclude the district court correctly denied Jacob's motion because his arguments were premised on the district court finding that the February 2022 child support order was void since he filed a peremptory challenge against Senior Judge Weller in the divorce case. District courts possess coextensive jurisdiction and generally cannot void another court's order, *see* NRS 3.220, and Jacob does not direct this court's attention to any legal authority to demonstrate that the peremptory challenge in the divorce case applied to the same judge who sat in the separate child support action. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that this court will not consider claims unsupported by cogent argument and relevant authority). Thus, Jacob does not demonstrate that the court abused its discretion in denying his motion. *In re Harrison Living Tr.*, 121 Nev. at 224, 112 P.3d at 1062. Additionally, Jacob has not demonstrated this is one of the "exceptional circumstances" where an NRCP 60(d)(1) independent action for relief from judgment is warranted to prevent a grave miscarriage of justice. *Cf. Bonnell v. Lawrence*, 128 Nev. 394, 403, 282 P.3d 712, 717-18 (2012) (concluding that allegations did not meet the

"demanding standard" of showing a "grave miscarriage of justice" and appellant had an appropriate remedy via a timely NRCP 59 motion or an appeal); *Hesser v. Blea*, No. 89093, 2026 WL 674887, at *2 (Nev. Mar. 9, 2026) (Order of Affirmance) (explaining that "an independent action is available only in exceptional circumstances to prevent a grave miscarriage of justice and of such magnitude as to warrant departure from the strict principles of res judicata").[2]

Next, Jacob argues that he moved to disqualify Judge Banales from the divorce action and that the recusal proceedings were procedurally irregular and unfair. Specifically, he argues that the reviewing judge improperly treated Judge Banales's answer to the motion to recuse as a substantive opposition, when April failed to file an opposition to the motion to recuse Judge Banales.

NRS 1.235 provides the procedure for disqualifying district court judges. Once a party moves to disqualify a judge, "the judge against whom an affidavit alleging bias or prejudice is filed shall proceed no further with the matter and shall . . . [i]f the judge is a district [court] judge, immediately transfer the case to another department . . . or request the judge of another district court to preside at the trial or hearing of the matter." NRS 1.235(6)(a). But the original judge "may challenge an affidavit alleging bias or prejudice by filing a written answer with the clerk of the court within 5 judicial days after the affidavit is filed." NRS 1.235(7).

[2]Jacob could have challenged the February 2022 child support order in a timely appeal from that decision, as the district court indicated he could do, but he did not timely appeal.

Here, the record shows that the Second Judicial District Court Chief Judge assigned Jacob's motion to disqualify to a different district court judge for review. Additionally, because NRS 1.235(7) permits a judge to challenge a recusal request, Judge Banales's answer was not improper. Insofar as Jacob challenges the disqualification proceedings because April did not file an opposition to his motion, we are unpersuaded by this argument. *See D.C. v. Eighth Jud. Dist. Ct.*, No. 90963, 2026 WL 860244, at *2-3 (Nev. Mar. 27, 2026) (Order Denying Petition) (explaining that NRS 1.235 is silent on whether a nonmoving party may oppose a motion to disqualify, but that the district court could consider the opposition under the local rule in the Eighth Judicial District Court, EDCR 2.20(e)). Ultimately, whether or not to grant the motion to disqualify as unopposed by April was within the court's discretion. *See, e.g.*, *El Cortez Reno Holdings, LLC v. PFPCO.' s Noble Pie Parlor*, 141 Nev., Adv. Op. 68, 581 P.3d 416, 423 (2025) (explaining that while a district court "may" construe the lack of an opposition as an admission that a motion is meritorious and a consent to granting the same, DCR 13(3) does not mandate granting a motion simply because it is unopposed).

Moreover, Jacob does not assert on appeal that Judge Banales's decisions in the underlying case were based on knowledge acquired outside of the proceedings and her 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); *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 216, 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 v. Romano*, 138 Nev. 1, 6, 501 P.3d 980, 984 (2022), *abrogated on other grounds by Killebrew v. State ex rel. Donohue*, 139 Nev. 401, 404-05, 535 P.3d 1167, 1171 (2023). Therefore, we conclude that Jacob is not entitled to relief based on this argument.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.[3]

Bulla, C.J.

Gibbons, J.

Westbrook, J.

[3]Insofar as Jacob 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.

cc: Hon. Aimee Banales, District Judge, Family Division
Jacob Sovey
April Sovey
Washoe District Court Clerk