IN THE COURT OF APPEALS OF THE STATE OF NEVADA

LUBA GONZALEZ N/K/A LUBA SNOW A/K/A LUBA DACE,
Appellant,
vs.
ENRIQUE IVAN VELAZQUEZ-GONZALEZ,
Respondent.

No. 90570-COA

FILED
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*ORDER AFFIRMING IN PART AND REVERSING IN PART*

Luba Gonzalez n/k/a Luba Snow a/k/a Luba Dace appeals from a district court order modifying child custody, finding her in contempt, and awarding attorney fees. Eighth Judicial District Court, Family Division, Clark County; Heidi Almase, Judge.

Luba and respondent Enrique Ivan Velazquez-Gonzalez married in March 2013. Their daughter, [redacted] was [redacted] However, in December 2021, the couple divorced. Under the stipulated decree of divorce, Luba and Enrique shared joint legal custody of [redacted] and were required to confer with one another "on all important matters pertaining to [redacted] health" and "on all matters regarding [redacted] health care, including . . . dental." Luba and Enrique also shared joint physical custody of [redacted] alternating parenting time on a weekly basis. Annually, each parent was entitled to receive up to seven vacation days with [redacted] which they could sandwich between their usual weeks of custody to create a three-week block of vacation time. For vacations outside of Nevada, the vacationing parent was required to provide a written itinerary to the other parent that identified all flights [redacted] would take, the address and hotel name (if applicable) where [redacted] would be staying each night of the trip, a phone number where [redacted] could be reached in case of an emergency, and the

dates of any border crossings [redacted] would be making by car or on foot. In addition to that vacation time, the decree set aside certain holidays for each parent. Of relevance, the decree provided for Enrique to have [redacted] during Father's Day. In July 2022, the parties also agreed that, absent an emergency, all communication would occur through the TalkingParents phone application and each parent had up to 24 hours to respond.

In March 2023, two situations caused disagreement between the parents regarding their rights and obligations under the decree. First, [redacted] was supposed to have a dental appointment during Enrique's timeshare; but, without first asking Enrique, Luba changed the date of that appointment to occur during her own timeshare. Second, [redacted] was supposed to go to Mexico with Enrique, his new wife, and their child [redacted] half-sister) to visit Enrique's parents. Two days before their planned departure, however, Luba filed a motion to stop Enrique from taking [redacted] on the trip. In that motion, Luba expressed concern that Enrique planned to enter Mexico at the border rather than through the CBX tunnel between San Diego and the Tijuana airport and because Enrique was taking [redacted] to parts of Mexico that Luba thought were unsafe.

On the morning of the trip, the district court held an off-the-record phone conference with the attorneys for both parents to help facilitate a resolution. Because the meeting was off the record, it was not transcribed, and the district court did not enter an order granting or denying Luba's motion or otherwise resolving the parties' dispute during that teleconference.

Rather, following the conference, the parents' attorneys attempted to negotiate terms that would resolve Luba's safety concerns. Of note, Luba asked Enrique to purchase CBX tickets and provide her with copies of those tickets before exchanging [redacted] But Enrique refused to provide copies of the tickets in advance. He believed that his money would go to waste because Luba

would create another obstacle to prevent him from taking his vacation with [redacted] even if he provided copies of the tickets in advance.

After Enrique refused to provide the tickets, Luba conferred with her attorney on how to proceed. Luba testified that, based on that discussion, she believed that the itinerary provision in the decree had been clarified by the district court that morning, requiring Enrique to provide copies of his CBX tickets in advance. Because Enrique failed to provide the tickets, Luba decided that she did not have to exchange [redacted] with Enrique. Accordingly, Luba refused to exchange [redacted] (i.e., she withheld [redacted] which caused [redacted] to miss the trip to Mexico. Shortly thereafter, Enrique filed a motion for an order to show cause seeking to hold Luba in contempt and refer her for criminal prosecution for parental kidnapping. *See* NRS 200.359. He also filed a motion to modify custody, seeking primary physical custody based on Luba's changing of the dental appointment and her withholding of [redacted] Luba opposed both motions.

The district court granted Enrique's motion for an order to show cause. It then held a consolidated evidentiary hearing on whether Luba should be held in contempt for violating the decree and whether Enrique's motion to modify custody should be granted.

The first day of the hearing occurred in March 2024. Because Enrique alleged that Luba committed an act of abduction against [redacted] *see* NRS 200.359, that first day revolved around whether there was clear and convincing evidence that Luba willfully detained [redacted] in violation of a court order thereby triggering the NRS 125C.0035(7) rebuttable presumption that she should not be awarded sole or joint physical custody or unsupervised parenting time. After hearing testimony from Luba, her former attorney,[1] Enrique, and others,

[1]Luba's former attorney testified that he did not tell Luba to violate the decree and instead advised her that it was up to her how she should proceed. The district court found that testimony credible.

the district court orally announced its preliminary finding, which it memorialized in a written order in August 2024, that there was clear and convincing evidence that Luba willfully detained [redacted] triggering the rebuttable presumption. The court did not find credible Luba's testimony that she did not intend to withhold [redacted] from Enrique. The court then continued the hearing for another day to hear evidence on whether that presumption was overcome.

In August 2024, Luba moved the district court to reconsider its finding that she triggered the NRS 125C.0035(7) rebuttable presumption, arguing that her attorney misrepresented his advice to her during the first day of the hearing. Enrique opposed that motion and asked the court to award him attorney fees for responding. Luba did not file a reply. The district court subsequently denied that motion, noting that it found credible Luba's former attorney's testimony that he did not advise her to violate the decree. The court then preliminarily granted Enrique's request for fees, stating that "Luba's plea for relief multiplied the costs of litigation without just cause and did so unreasonably and vexatiously." The court also ordered Enrique to file briefing on the amount of fees to be awarded, which he timely filed. He requested $767.50 in fees.

The second day of the hearing was held in October 2024. Luba and Enrique again testified. This time, the focus of their testimony was whether Luba rebutted the presumption set forth in NRS 125C.0035(7). At the close of the second day, the court took the matter under advisement.

In January 2025, the district court entered an order granting Enrique's motions to modify custody and hold Luba in contempt. As to custody, the court determined that—even though Luba had committed an act of abduction—she successfully rebutted the presumption against sole or joint physical custody or unsupervised parenting time. Specifically, the court stated that "Luba demonstrated her ability to provide daily care for the child, provide

for the child's physical and emotional needs, and provide the child with a safe home[, which] overcomes the presumption set forth in NRS 125C.0035(7)." Despite finding that Luba had overcome the abduction presumption, the court went on to find that "Enrique nonetheless established a substantial change of circumstances affecting the child's welfare and in the child's best interest." While not overtly stated as such, it is clear from the district court's order that the court found that Luba's abduction of [redacted] was a substantial change in circumstances warranting modification of custody.

When evaluating the custody best-interest factors, the district court found the six factors set forth in NRS 125C.0035(4)(c)-(g) and (l) weighed in Enrique's favor and the remaining factors were neutral or inapplicable. The court then determined it was in [redacted] best interest for Enrique to have primary physical custody. In reaching this conclusion, the court placed heavy weight on

> Luba's actions which prevented Enrique from having frequent associations with the child, Luba's demonstrated unwillingness to co-parent with Enrique, her near constant actions leading to increased conflict and litigation in this matter and her demonstrated inability to meet the needs of the child by valuing conflict with Enrique over the child's best interest.

The district court then awarded Enrique primary physical custody and awarded Luba parenting time every weekend except the third weekend of each month. However, the court maintained the existing joint legal custody arrangement and the prior holiday and vacation timeshare. The court also ordered Luba to pay $301 per month in child support and allowed Enrique to claim the child tax credit for [redacted] on his federal tax return.

As to Enrique's contempt motion, the court found Luba in contempt both for withholding [redacted] during Enrique's March 2023 vacation timeshare and for changing [redacted] dental appointment without first conferring

with Enrique. It ordered her to pay $1,000 in sanctions: $500 for each count of contempt. Then, in a separate order issued that same day, the court awarded Enrique the $767.50 in attorney fees he requested for responding to Luba's August 2024 motion for reconsideration. Following the denial of a subsequent motion for reconsideration, Luba timely appealed.

On appeal, Luba argues that the district court abused its discretion by awarding Enrique primary physical custody, by holding her in contempt, and by awarding Enrique attorney fees. We address these issues below, in turn.

*The district court did not abuse its discretion by awarding Enrique primary physical custody*

This court will not disturb a district court's child custody determination absent a clear abuse of discretion. *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 241 (2007). "An abuse of discretion occurs when a district court's decision is not supported by substantial evidence or is clearly erroneous." *Bautista v. Picone*, 134 Nev. 334, 336, 419 P.3d 157, 159 (2018). Substantial evidence "is evidence that a reasonable person may accept as adequate to sustain a judgment." *Ellis*, 123 Nev. at 149, 161 P.3d at 242. This court does not reweigh evidence or witness credibility. *Id.* at 152, 161 P.3d at 244; *Roe v. Roe*, 139 Nev. 163, 171, 535 P.3d 274, 285 (Ct. App. 2023).

"[A] court may modify a joint . . . physical custody arrangement only when (1) there has been a substantial change in circumstances affecting the welfare of the child, and (2) the child's best interest is served by the modification." *Romano v. Romano*, 138 Nev. 1, 5, 501 P.3d 980, 983 (2022) (internal quotation marks omitted), *abrogated on other grounds by Killebrew v. State ex rel. Donohue*, 139 Nev. 401, 403-05, 535 P.3d 1167, 1170-71 (2023).

*Abduction*

In challenging the district court's decision to modify custody, Luba argues that the district court abused its discretion in concluding that she

abducted [redacted] and in relying on that determination to find that a substantial change in circumstances had occurred and that modification was in [redacted] best interest. She maintains that her single act of withholding [redacted] did not constitute an act of abduction under NRS 200.359, as she did not act "willfully" (i.e., with "specific intent") when she withheld [redacted] Luba further argues there was no evidence that she detained or concealed [redacted] from Enrique and that one act of withholding is insufficient to constitute an act of abduction.

"Conclusions of law, including the interpretation and construction of statutes, are reviewed de novo." *Chandra v. Schulte*, 135 Nev. 499, 501, 454 P.3d 740, 743 (2019). When interpreting a statute, we "interpret clear and unambiguous statutory language by its plain meaning unless doing so would lead to an unreasonable or absurd result." *Moore v. State*, 136 Nev. 620, 622-23, 475 P.3d 33, 36 (2020). "A statute is ambiguous 'when the statutory language lends itself to two or more reasonable interpretations.'" *Sharpe v. State*, 131 Nev. 269, 274, 350 P.3d 388, 391 (2015) (quoting *State v. Lucero*, 127 Nev. 92, 95, 249 P.3d 1226, 1228 (2011)).

For purposes of NRS 125C.0035, "'[a]bduction' means the commission of an act described in NRS 200.310 to 200.340, inclusive, or 200.359." NRS 125C.0035(10)(a). Relevant to the issues before us, NRS 200.359(1) provides:

> 1. A person having a limited right of custody to a child by operation of law or pursuant to an order, judgment or decree of any court, including a judgment or decree which grants another person rights to custody or visitation of the child . . . who:
>
> (a) In violation of an order, judgment or decree of any court *willfully* detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child
>
> . . .

> is guilty of a category D felony and shall be punished as provided in NRS 193.130.

(Emphasis added.)

On appeal, Luba points out that the term "willfully" is not defined within Nevada's child custody statutes and argues that, for purposes of NRS 200.359(1), willfully must be defined as requiring a showing of specific intent, and that under such a construction of the statute, the district court's finding that she abducted [redacted] is not supported by substantial evidence. We disagree.

Although "willfully" can have different meanings, it is not necessarily an ambiguous term, and it does not always require proof of specific intent. *See Willson v. First Jud. Dist. Ct.*, 140 Nev. 62, 67-70, 547 P.3d 122, 130-32 (Ct. App. 2024) (collecting cases where the term "willfully" required either general or specific intent and concluding NRS 197.190 was "ambiguous as to whether [obstructing a public officer] is a general or specific intent crime"). Whether statutory language is plain or ambiguous "is determined not only by reference to the language itself, but as well by the specific context in which that language is used, and the broader context of the statute as a whole." *Sharpe*, 131 Nev. at 274, 350 P.3d at 391 (quoting *Yates v. United States*, 574 U.S. 528, 537 (2015)) (citation modified).

The statute at issue in this case, NRS 200.359, criminalizes willfully detaining, concealing, or removing a child from a person having lawful custody of that child. And "in the context of statutes aimed at the protection of [children], such as child abuse statutes, the term 'willfully' has been defined to refer to general intent: as an intent to do the act, rather than any intent to violate the law or injure another." *Jenkins v. State*, 110 Nev. 865, 870, 877 P.2d 1063, 1066 (1994) (interpreting NRS 200.364, which defines statutory sexual seduction, and NRS 200.368, which criminalizes statutory sexual seduction, as not requiring specific intent).

An examination of the plain language of NRS 200.359 further reveals that different levels of intent are required by NRS 200.359(1) and NRS 200.359(2)—specifically that subsection (1) does not require a showing of specific intent, whereas subsection (2) requires such a showing. NRS 200.359(2) states that "a parent who has joint legal and physical custody of a child pursuant to NRS 125C.0015[2] shall not *willfully* conceal or remove the child from the custody of the other parent *with the specific intent* to frustrate the efforts of the other parent to establish or maintain a meaningful relationship with the child." (Emphases added.) By contrast, NRS 200.359(1)(a) lacks any "specific intent" language, stating only that "[a] person having a limited right of custody to a child . . . pursuant to an order . . . who . . . [i]n violation of an order . . . *willfully* detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation . . . is guilty of a category D felony." (Emphasis added.) "If a provision is susceptible of . . . a meaning that deprives another provision of all independent effect, . . . and another meaning that leaves both provisions with some independent operation, the latter should be preferred." Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* 176 (2012). Thus, as used in NRS 200.359(1), "willfully" may not be read as requiring specific intent, as this would deprive the additional language in NRS 200.359(2) of its independent effect by rendering that language superfluous.

Under this construction of NRS 200.359(1), the district court was not required to find Luba specifically intended to detain [redacted] in violation of a

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[2]NRS 125C.0015(2) states that "[i]f a court has not made a determination regarding the custody of a child, each parent has joint legal custody and joint physical custody of the child until otherwise ordered by a court of competent jurisdiction."

court order to find she committed an act of abduction. Regardless, the court did not credit Luba's testimony that she did not intend to withhold [redacted] from Enrique, which is a determination we will not reweigh. *Ellis*, 123 Nev. at 152, 161 P.3d at 244. Under these circumstances, Luba's contention that her withholding of [redacted] was not "willful" because she was acting "in the best interests of her child based on her safety concerns and upon the advice of her counsel" is unavailing.

Luba further argues that she did not commit an act of abduction because there was not clear and convincing evidence that she detained or concealed [redacted] from Enrique. "In reviewing child custody determinations, we will not set aside the district court's factual findings if they are supported by substantial evidence, which is evidence that a reasonable person may accept as adequate to sustain a judgment." *Ellis*, 123 Nev. at 149, 161 P.3d at 242 (footnote omitted). Here, the district court found that Enrique proved, by clear and convincing evidence, that "Luba willfully detained the minor child on March 15, 2023," as the decree "clearly identified the vacation timeshare and itinerary provisions" and Luba "conceded in her testimony" that she did not turn [redacted] over to Enrique for his vacation timeshare on that date.

Although NRS 200.359 does not define "detain," a plain meaning examination of this term demonstrates that "detain" is commonly defined as "to hold or keep in or as if in custody." *See Merriam-Webster's Collegiate Dictionary* (11th ed. 2014); *see also AZG Ltd. P'ship v. Dickinson Wright PLLC*, 141 Nev., Adv. Op. 37, 574 P.3d 929, 932 (2025) (providing that the appellate courts may look to other sources, such as dictionaries, to determine plain meaning where a statute does not provide a definition for a term). Applying this definition to the facts before us, we consider Luba's testimony that even though the decree required her to exchange [redacted] on March 15, 2023, she refused to do so. In other words, Luba held or kept custody of [redacted] even though the

decree required her to complete the exchange. Thus, substantial evidence supports the district court's finding that Luba detained [redacted] *See Ellis*, 123 Nev. at 149, 161 P.3d at 242.

Finally, to the extent Luba argues that "one withholding" was insufficient to constitute an act of abduction for purposes of NRS 125C.0035, her argument fails. Notably, Luba cites no authority in support of this proposition. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (stating that the appellate courts need not consider assertions that are not supported by relevant authority). And regardless, NRS 125C.0035(10)(a) defines "abduction" as "the commission of *an act* described in" NRS 200.359, among other statutes; so, by definition, Luba's single act of withholding [redacted] was sufficient to constitute an abduction.[4] NRS 125C.0035(10)(a) (emphasis added).

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[3]Because a willful detention, on its own, satisfies the requirements of NRS 200.359(1)(a), we need not address Luba's argument that she did not conceal [redacted] *See* NRS 200.359(1)(a) (providing that the crime is committed if a parent "willfully detains, conceals *or* removes the child" (emphasis added)).

[4]To the extent Luba asserts that her constitutional rights were violated because a determination that she abducted [redacted] must be made through a criminal trial, that argument lacks merit. While NRS 125C.0035(10)(a) defines "abduction" in accordance with a criminal statute—NRS 200.359—she was not charged with, much less convicted of a crime, and NRS 125C.0035 contains no requirement that a parent be convicted of abduction before a court can find that an abduction occurred. *See* NRS 125C.0035(7) (stating that a finding of abduction must be supported by clear and convincing evidence); NRS 125C.0035(8)(a) (stating that a conviction under NRS 200.359 establishes conclusive evidence of abduction). Moreover, Luba points to no authority to support her contention that due process or her right to parent requires a criminal conviction before a court can find that an abduction occurred in accordance with NRS 125C.0035(7). *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38; *Maresca v. State*, 103 Nev. 669, 673, 748 P.2d 3, 6 (1987) ("It is appellant's responsibility to present relevant authority and cogent argument; issues not so presented need not be addressed by this court.").

Thus, for the reasons set forth above, we discern no error or abuse of discretion in the district court's determination that Luba's withholding of [redacted] during Enrique's scheduled vacation time constituted an abduction, as that determination is supported by substantial evidence. With this conclusion in mind, we turn to whether the district court properly found that a modification of custody was warranted.

*Substantial change in circumstances*

Luba argues that the district court abused its discretion when it found that there was a substantial change in circumstances affecting [redacted] welfare that warranted a modification of custody. She first asserts that the court did not provide clear reasoning for finding a substantial change in circumstances as required by *Davis v. Ewalefo*, 131 Nev. 445, 452, 352 P.3d 1139, 1143 (2015) (requiring "[s]pecific findings and an adequate explanation of the reasons for [a] custody determination"). This argument lacks merit, however, as the context in which the court made its substantial change in circumstances finding makes clear that Luba's abduction of [redacted] was what constituted a substantial change in circumstances. Notably, the district court found that, while Enrique could not prevail in limiting Luba's parenting time based on the abduction presumption, he had "nonetheless established a substantial change of circumstances affecting the child's welfare."

And while Luba alternatively argues that her withholding o[redacted] in March 2023 cannot constitute a substantial change in circumstances because one instance of withholding is not pervasive and therefore cannot constitute a substantial change in circumstances under *Martin v. Martin*, 120 Nev. 342, 343, 90 P.3d 981, 981-82 (2004), *abrogated on other grounds by Ellis*, 123 Nev. at 150-51, 161 P.3d at 242-43, that argument does not provide a basis for relief. *Martin* states that "a custodial parent's substantial *or* pervasive interference with a noncustodial parent's [parenting time] could give rise to

changed circumstances warranting a change in custody," 120 Nev. at 343, 90 P.3d at 981-82 (emphasis added). Thus, to the extent Luba argues *Martin* requires that parental interference be both pervasive *and* substantial to constitute a substantial change in circumstances, she misreads that decision. As set forth in *Martin*, interference that is either substantial or pervasive may suffice. *Id.* And here, Luba does not argue that her withholding of [redacted] was not a substantial interference with Enrique's parenting time, and thus she has forfeited any such argument. *See Palmieri v. Clark County*, 131 Nev. 1028, 1033 n.2, 367 P.3d 442, 446 n.2 (Ct. App. 2015) (declining to consider issues that the appellant failed to raise on appeal). As a result, Luba has not demonstrated any abuse of discretion in the district court's determination that a substantial change in circumstances warranting modification had occurred.

*Best-interest findings*

Luba next argues that the district court abused its discretion in finding that modification of custody was in [redacted] best interest because its best-interest findings for the NRS 125C.0035(4)(c)-(g), (i)-(j), and (l) factors were unsupported by substantial evidence. We disagree.

Starting with the district court's finding that Enrique was the parent more likely to permit frequent associations and a continuing relationship with [redacted] NRS 125C.0035(4)(c), this determination was supported by Enrique's testimony that Luba interfered with his vacations while he did not do so with hers and Luba's testimony that she refused to exchange [redacted] for Enrique's 2023 trip to Mexico and scheduled her 2023 vacation to occur during Enrique's Father's Day parenting time. With regard to the level of conflict between the parties, NRS 125C.0035(4)(d), the district court found Luba was the bigger source of conflict between the parents given that she testified to allowing [redacted] to call her new husband "dad" over Enrique's objections and to improperly contacting Enrique outside of the TalkingParents app for non-

emergencies. Moreover, as the district court found, Luba filed more than three times the number of motions in the case as Enrique.

The district court further found that Enrique was the parent better able to cooperate to meet [redacted] needs, NRS 125C.0035(4)(e), based on Enrique's testimony that Luba created conflict at [redacted] medical appointments to such a degree that Enrique was no longer comfortable attending, and the fact that Luba prevented [redacted] from going on the March 2023 trip to Mexico and changed [redacted] dental appointment without first conferring with Enrique.

Turning to the parents' mental and physical health, NRS 125C.0035(4)(f), the district court found this factor favored Enrique. Luba conceded she had been diagnosed and treated for anxiety. Although Luba claimed she had learned tools to cope with that issue, the court found her withholding of [redacted] demonstrated that her anxiety could still cause her to make poor decisions. As for [redacted] physical, developmental, and emotional needs, NRS 125C.0035(4)(g), the court found this factor "nominally" weighed in Enrique's favor based on Enrique's testimony that he avoided [redacted] appointments because of Luba and Luba's testimony that she enrolled [redacted] in online counseling over Enrique's objection that [redacted] would be better served by an in-person counselor.

Further, the parents testified that [redacted] had a sibling in both of their households, so the district court found that the factor on sibling relationships weighed neutrally. NRS 125C.0034(4)(i). And no one testified that either parent abused or neglected [redacted] so the court found the factor on abuse and neglect inapplicable. NRS 125C.0035(4)(j). Finally, given Luba's withholding of [redacted] during Enrique's 2023 vacation time, the district court found that the abduction factor weighed in Enrique's favor. NRS 125C.0035(4)(l).

Each of these findings is supported by substantial evidence in the record. *See Ellis*, 123 Nev. at 149, 161 P.3d at 242. Further, the record does not support Luba's contention that the district court failed to consider certain evidence. And because we are not at liberty to reweigh the evidence or the district court's credibility determinations, we cannot conclude that the district court improperly weighed any of the best-interest factors. *Id.* at 152, 161 P.3d at 244. Under these circumstances, we conclude the district court did not abuse its discretion in modifying custody to award Enrique primary physical custody of [redacted] and thus we affirm that decision.[5]

*The district court abused its discretion by holding Luba in contempt for changing [redacted] dental appointment, but it did not abuse its discretion by holding Luba in contempt for withholding [redacted]*

This court reviews district court contempt orders for an abuse of discretion. *Lewis v. Lewis*, 132 Nev. 453, 456, 373 P.3d 878, 880 (2016); *see also Vaile v. Vaile*, 133 Nev. 213, 217, 396 P.3d 791, 794-95 (2017) (explaining that, while orders of contempt are not appealable, this court has jurisdiction to review contempt findings when included in an order that is otherwise independently appealable). "A court order which does not specify the compliance details in unambiguous terms cannot form the basis for a subsequent contempt order." *Div. of Child & Fam. Servs. v. Eighth Jud. Dist. Ct.*, 120 Nev. 445, 455, 92 P.3d 1239, 1245 (2004).

We conclude that the district court abused its discretion in holding Luba in contempt for changing [redacted] dental appointment. Here, the decree inconsistently states both that Luba must confer with Enrique "on *all* matters regarding [redacted] health care . . . including dental" and that she must confer

[5]Because we discern no abuse of discretion in the district court's substantial-change-in-circumstances and best-interest analysis, we reject Luba's argument based on *Sims v. Sims*, 109 Nev. 1146, 1149, 865 P.2d 328, 330 (1993), that the district court improperly modified custody to punish her.

"on all *important* matters pertaining to [redacted] health." (Emphases added). Further, the decree does not indicate *when* Luba had to confer with Enrique on such matters. While Luba's conduct was not advisable, given the lack of clarity in the decree on those issues, these portions of the decree cannot form the basis for holding Luba in contempt, and thus we reverse that portion of the district court's contempt determination, including the $500 monetary sanction. *See id.* ("A court order which does not specify the compliance details in unambiguous terms cannot form the basis for a subsequent contempt order.").

Turning to the decision to hold Luba in contempt for withholding [redacted] Luba conceded in her testimony that she refused to exchange [redacted] for Enrique's vacation timeshare as was required under the decree. While Luba argues that she withheld [redacted] due to legitimate safety concerns and on the advice of counsel, the district court did not find credible Luba's testimony about her intentions for withholding [redacted] and we will not reweigh that determination. *See Ellis*, 123 Nev. at 152, 161 P.3d at 244. Moreover, Luba cites no authority to support her contention that a party can simply ignore a court order under such circumstances. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38. Thus, we discern no abuse of discretion in the district court's decision to hold Luba in contempt for withholding [redacted] and we therefore affirm that determination. *See Lewis*, 132 Nev. at 456, 373 P.3d at 880; NRS 22.010(3) (providing that disobeying a lawful court order constitutes a contempt).

Accordingly, for the reasons set forth above, we

ORDER the judgments of the district court REVERSED in part as to the decision to hold Luba in contempt for modifying [redacted] dental

appointment, including the $500 monetary sanction, and AFFIRMED in part as to the remainder of the judgments.[6]

_____, C.J.
Bulla

_____, J.
Gibbons

_____, J.
Westbrook

[6]With regard to Luba's challenge to the $767.50 attorney fee award to Enrique, the district court found that fees were warranted under NRS 18.010(2)(b) and EDCR 5.219 because Luba's motion to reconsider the determination that she abducted [redacted] unreasonably and vexatiously multiplied the costs of the litigation. *See* NRS 18.010(2)(b) (providing for attorney fees "when the court finds that the claim . . . was brought or maintained without reasonable ground or to harass the prevailing party"); EDCR 5.219 (providing for sanctions when a party "[m]ultipl[ies] the proceedings in a case so as to increase costs unreasonably and vexatiously"). On appeal, Luba argues that fees should not have been awarded because reconsideration was necessary to challenge the court's erroneous decision on the abduction issue. But as detailed above, the district court properly concluded that Luba had abducted [redacted] Under these circumstances, we discern no abuse of discretion in the award of attorney fees. *See Frederic & Barbara Rosenberg Living Tr. v. MacDonald Highlands Realty, LLC*, 134 Nev. 570, 580, 427 P.3d 104, 112 (2018) ("We review a district court's attorney fees decision for an abuse of discretion.").

Further, to the extent Luba argues that the district court was biased against her, this argument does not provide a basis for relief, as she has not demonstrated that the district court's decisions were based on knowledge acquired outside of the proceedings or that they reflected "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); *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").

Finally, insofar as Luba raises other arguments not specifically addressed in this order, we have considered the same and conclude that they also do not present a basis for further relief.

cc: Hon. Heidi Almase, District Judge, Family Division
McFarling Law Group
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