IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BRIAN YU,
Appellant,
vs.
RUORONG YU,
Respondent.

No. 70348

ORDER OF AFFIRMANCE

Brian Yu appeals from a district court order ruling on several post-divorce decree issues. Eighth Judicial District Court, Family Court Division, Clark County; Bill Henderson, Judge.

Following entry of the underlying divorce decree that, among other things, terminated Brian and respondent Ruorong Yu's marriage and distributed their community property, Brian filed several motions in which he challenged the distribution and sought to reopen the decree to alter its terms. Ruorong opposed reopening the decree but, because she alleged that Brian improperly removed community funds from various accounts, she moved for Brian to compensate her from his separate property. After several hearings, the district court entered a written order that denied Brian's request to reopen the decree on the grounds that he did not show that the decree omitted property of substantial value and that he did not otherwise establish a legal basis to modify the decree's substantive terms. The district court's order also granted Ruorong's motion and awarded her $88,000 from Brian's separate property because Brian failed to produce any documentation to account for the community funds that he had allegedly removed from the various accounts even though the court had previously

warned him that his failure to do so would result in such an award to Ruorong.[1] This appeal followed.

Initially, although Brian argues on appeal for reversal of the underlying decree, we cannot do so, as he did not timely appeal that decision. *See* NRAP 4(a)(1) (providing that a notice of appeal must be filed no later than 30 days after service of written notice of entry of the challenged judgment or order). And while many of Brian's arguments in this regard can be construed as challenging the district court's order denying his request to reopen the decree, we nevertheless discern no basis for relief. In particular, insofar as Brian argues that he was entitled to have the decree reopened to modify the division of various accounts, his argument fails, as the written order and trial transcript indicate that the issues relating to the accounts were resolved pursuant to a stipulation between the parties. And neither before the district court nor this court has Brian presented any argument to challenge the enforceability of that stipulation, *see Grisham v. Grisham*, 128 Nev. 679, 683, 289 P.3d 230, 233 (2012) (setting forth the requirements for an enforceable agreement to settle pending litigation); *see also Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) ("A point not urged in the trial court . . . is deemed to have been waived and will not be considered on appeal."); *Powell v.*

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[1]While this matter was pending before the supreme court, it initially questioned whether these portions of the district court's order were substantively appealable. *See Yu v. Yu*, Docket No. 70348 (Order to Show Cause, June 15, 2016). But the supreme court later determined that, insofar as the district court's order resolved the issues set forth above, it was appealable as a special order after final judgment or an order denying NRCP 60(b) relief. *See Yu v. Yu*, 133 Nev. ___, ___ n.1, 405 P.3d 639, 639 n.1 (2017). The supreme court then transferred the matter to this court.

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 waived), much less one that would overcome his failure to do so in the context of an appeal from the underlying decree. Consequently, Brian failed to demonstrate that relief is warranted with regard to his challenge to the portion of the district court's order denying his request to reopen the decree.[2]

Turning to the portion of the district court's order awarding Ruorong $88,000 from Brian's separate property, Brian does not dispute that he improperly removed community funds from various accounts or that Ruorong was entitled to an award based on that removal. Instead, Brian challenges the amount of the award. But the district court awarded Ruorong $88,000, roughly the amount she sought in her related motion, only after it warned Brian that his failure to account for the relevant funds would result in such an award. And Brian does not challenge the propriety of the district court's approach to this issue or otherwise identify any documentation that he provided to account for the relevant funds.[3] *See Powell*, 127 Nev. at 161 n.3, 252 P.3d at 672 n.3; *see also Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38

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[2]To the extent that Brian also argues that the decree should be reopened with regard to the allocation of the parties' interests in a condominium, his argument fails, as he did not seek to reopen the decree in that regard below. *See Old Aztec*, 97 Nev. at 52, 623 P.2d at 983.

[3]Consequently, Brian failed to demonstrate that he was harmed by the district court's refusal to hear oral argument on the matter at the relevant hearing. *See* NRCP 61 (requiring the court, at every stage of a proceeding, to disregard errors that do not affect a party's substantial rights).

(2006) (declining to consider issues that are not supported by cogent argument). Consequently, Brian failed to demonstrate that relief is warranted with regard to the portion of the district court's order awarding Ruorong $88,000 from his separate property. Accordingly, we

ORDER the judgment of the district court AFFIRMED.[4]

_____, C.J.
Silver

_____, J.
Tao

_____, J.
Gibbons

cc: Hon. Bill Henderson, District Judge, Family Court Division
Brian Yu
Ruorong Yu
Eighth District Court Clerk

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[4]Insofar as Brian challenges post-judgment orders that were entered after he filed the notice of appeal in this matter, we cannot consider his challenges, as he was required to separately appeal those decisions. With regard to Brian's request for a meditator to resolve issues in the underlying proceeding and for a qualified domestic relations order addressing an account with MassMutual, we are confident that the district court will address these matters expeditiously upon presentation of a proper motion. Finally, having considered Brian's remaining arguments, we discern no basis for relief.