IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JUSTIN SABO,
Appellant,
vs.
NIEVE MALANDRA,
Respondent.

No. 89948-COA

FILED
NOV 26 2025
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

Justin Sabo appeals from a district court post-custody decree order modifying his child support obligation. Eighth Judicial District Court, Clark County; Mari D. Parlade, Judge.

Sabo and respondent Nieve Malandra were never married and are the parents of a minor daughter born in 2017. Sabo later commenced the underlying child custody and support proceeding, and the parties initially stipulated to Malandra receiving primary physical custody and set Sabo's child support obligation at $1,000 per month. In 2023, Sabo filed a motion to modify child custody and his child support obligation. The district court subsequently held an evidentiary hearing, at which Sabo, Malandra, and Malandra's expert witness, Richard Prinzi, testified.[1] Sabo did not

[1]Following the evidentiary hearing, the district court denied Sabo's request to modify custody and ordered that Malandra would retain primary physical custody. Sabo did not appeal the portion of the order addressing custody, and thus, we address only the evidence relevant to Sabo's child support obligation.

request the transcript of the evidentiary hearing, and thus, we recount the facts as contained in the order following the hearing.

Relevant here, Sabo testified that he previously worked as a loan originator and real estate flipper but denied earning any recent income from those jobs. Instead, Sabo claimed he now worked as a delivery driver, earning approximately $2,000 per month. According to Sabo's financial disclosure form, he had monthly business and personal expenses totaling nearly $9,000 per month but denied using credit cards or loans to pay his expenses. Sabo admitted to selling at least one home in 2023, but denied receiving any income from the sale, claiming he reinvested it into another property. In contrast, Malandra testified she owned her own business, Stardust Entertainment, and that Sabo fraudulently used her business to obtain approximately $162,000 in Employee Retention Credit (ERC) funds, which appear to be related to the COVID-19 pandemic. Malandra explained that because Sabo obtained the funds using her business, her company issued him a 1099 tax form for the amount and thus the allegedly swindled money constituted Sabo's income that should be considered for child support purposes. Sabo denied these allegations and alleged the 1099 tax form was "fraudulent."

Prinzi then testified. Prior to his testimony, Sabo objected on the basis that Prinzi was not a neutral expert witness and his report was biased because Prinzi was dating Malandra. Prinzi confirmed that he was in a romantic relationship with Malandra but denied being biased. Prinzi explained that he is a certified public accountant and owns his own accounting firm and that he reviewed various bank records in preparation

for his testimony and to provide an expert report. The district court conducted a *Hallmark*[2] analysis and determined that Prinzi qualified as an expert under NRS 50.275 and further admitted his expert report as an exhibit over Sabo's objection that the report was biased. According to Prinzi's testimony and report, Sabo's bank records demonstrated he transferred approximately $162,000 from Stardust Entertainment's account into his personal accounts and then withdrew the maximum daily amount in cash through ATM transactions. Further, Prinzi claimed that through his investigation he determined that Sabo is the sole owner of an LLC involved in real estate flipping and that his LLC received ERC funds in the amount of $309,516.83 in 2023. Prinzi additionally alleged that he conducted a Google AI investigation and determined that Sabo was involved in multiple real estate transactions and that his 2023 income likely exceeded $800,000. Prinzi's report ultimately concluded that Sabo was either underemployed, or unemployed, for the purposes of avoiding child support and utilized cash transactions to conceal his true income.

The district court subsequently entered an order that found Sabo's testimony was not credible, Malandra's testimony was credible, and that it would rely on only parts of Prinzi's testimony. Specifically, the court determined that Prinzi's testimony was compromised by his dating relationship with Malandra but that he nevertheless qualified as an expert witness under *Hallmark*. However, the court concluded that to the extent Prinzi's testimony and report were predicated on the Google AI

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[2]*Hallmark v. Eldridge*, 124 Nev. 492, 498, 189 P.3d 646, 650 (2008).

investigation, his determinations were not based on credible scientific methodology or peer reviewed methodology and thus the court would not rely upon them. Instead, the court would rely only on the portions of his testimony and report that were based on Prinzi's review of Sabo's bank and tax records because those determinations were supported by credible scientific methodology.

The district court then found that Sabo was underemployed for the purposes of avoiding child support and pursuant to NAC 425.125, it would impute income to him based on his 2023 earnings. Specifically, the district court found that Sabo earned $162,483.40 from Stardust Entertainment based on its finding that Sabo wrongfully obtained the ERC funds from the company. Further, the court imputed the $309,516.83 Sabo's company received in 2023 as income and considered $24,000 in income that Sabo admittedly received as a delivery driver. Accordingly, the court ultimately imputed income to Sabo and determined that his annual earning capacity was $496,000.23, which resulted in a gross monthly income of $41,333.35, and a monthly child support obligation of $2,533.33. The order further stated that the court was inclined to award attorney fees and ordered Malandra's counsel to submit a *Brunzell* affidavit and a memorandum of attorney fees and costs.[3] Sabo now appeals.

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[3]To the extent Sabo challenges the district court's determination that Malandra was entitled to an award of attorney fees, we note that the record before us does not indicate that the court has yet entered any such award. Instead, as discussed above, the district court directed Malandra to submit a *Brunzell* affidavit and memorandum of attorney fees and costs so it could

We review a district court's order regarding child support for an abuse of discretion. *Wallace v. Wallace*, 112 Nev. 1015, 1019, 922 P.2d 541, 543 (1996). A district court abuses its discretion when its findings are not supported by substantial evidence, *Miller v. Miller*, 134 Nev. 120, 125, 412 P.3d 1081, 1085 (2018), which is evidence that a reasonable person may accept as adequate to sustain a judgment, *Ellis v. Carucci*, 123 Nev. 145, 149, 161 P.3d 239, 242 (2007).

On appeal, Sabo argues the district court abused its discretion by relying on the Stardust Entertainment 1099 form to impute approximately $162,000 in income to him because the document is fraudulent and he did not actually take or receive these funds.

We affirm the district court's order because Sabo failed to demonstrate that substantial evidence does not support the district court's findings regarding his earning capacity. In addition, Sabo failed to request a copy of the evidentiary hearing transcript and thus we presume the missing transcript supports the court's findings. *See Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007). Here, the district court found that Sabo's testimony regarding the funds was not credible and that he did in fact receive the funds. The court further found

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determine the amount of the award. Consequently, Sabo's challenge to this decision is premature, and we therefore dismiss this portion of his appeal for lack jurisdiction. *See Lee v. GNLV Corp.*, 116 Nev. 424, 426, 996 P.2d 416, 417 (2000) ("A post-judgment order awarding attorney's fees and/or costs may be appealable as a special order made after final judgment."); *see also* NRAP 3(c)(1)(B) (providing that a notice of appeal must "designate the judgment, order, or part thereof being appealed").

that Malandra credibly testified that Sabo impermissibly used her business to obtain the funds and that he then transferred the funds to his personal accounts. Furthermore, Prinzi testified that he reviewed Sabo's personal bank records, which likewise confirmed Sabo received approximately $162,000 from Stardust Entertainment. Although Sabo denies these allegations on appeal, we do not reassess witness credibility nor do we reweigh the evidence. *See Quintero v. McDonald*, 116 Nev. 1181, 1183, 14 P.3d 522, 523 (2000) (refusing to reweigh the evidence on appeal); *see also Ellis*, 123 Nev. at 152, 161 P.3d at 244 (refusing to reweigh credibility determinations on appeal). Accordingly, we conclude Sabo failed to demonstrate the district court abused its discretion in including these funds in its income determination.[4]

Sabo next challenges the district court's decision to admit Prinzi's testimony and report on the basis that Prinzi was biased against him due to his dating relationship with Malandra. This court reviews a district court's decision to allow expert testimony for an abuse of discretion. *Hallmark v. Eldridge*, 124 Nev. 492, 498, 189 P.3d 646, 650 (2008). To qualify as an expert witness under NRS 50.275, the witness must: (1) be qualified in an area of "scientific, technical or other specialized knowledge;" (2) this specialized knowledge must "assist the trier of fact to understand

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[4]We note that Sabo does not argue that even assuming he received the funds, they do not constitute income pursuant to NAC 425.025 (defining gross income), and we therefore do not consider that issue. Nor do we consider whether the funds could be considered when determining whether an adjustment of Sabo's base child support obligation was warranted pursuant to NAC 425.150.

the evidence;" and (3) the testimony must be limited "to matters within the scope of [his or her specialized] knowledge." *Id.* (alteration in original).

We conclude the district court did not abuse its discretion in permitting Prinzi to testify as an expert witness and in admitting his report. Sabo does not challenge the district court's findings regarding the *Hallmark* factors and instead argues only that Prinzi was biased. Rather than strike Prinzi's testimony, the district court was allowed to consider his apparent bias when determining whether Prinzi was credible or whether his conclusions were supported by credible scientific methodology. *Cf. Capanna v. Orth*, 134 Nev. 888, 892-93, 432 P.3d 726, 732 (2018) (holding a fact finder can consider an expert witness's alleged bias when determining credibility).

Notably, the district court's order reflects it carefully considered Prinzi's testimony and report, before determining that it would rely only on the conclusions that were supported by a review of Sabo's bank and tax records. The district court's child support award relied upon the 1099 form discussed above, and the portion of the report which determined Sabo's company received $309,516.83 in income.[5] The court expressly rejected Prinzi's suggestion that it could impute $800,000 in earning potential to Sabo. And, because Sabo failed to request a transcript of the hearing, we

[5]We note that Sabo's opening brief does not challenge Prinzi's assertions that Sabo is the sole owner of a real estate company, that this company received $309,516.83 in income, or that as sole owner Sabo has control over these funds. Sabo's argument relating to these funds on appeal is that Prinzi's testimony should have been excluded based on his purported bias in Malandra's favor.

must presume the testimony provided supports the district court's conclusion. *See Cuzze,* 123 Nev. at 603, 172 P.3d at 135.

Indeed, it appears from the order that Sabo's own testimony, where he admitted to receiving funds from a home sale and using it to pay his expenses, supports the district court's determination that Sabo was intentionally underreporting his income to avoid child support obligations. Absent the transcript, and in light of the district court's careful analysis of Prinzi's testimony, we cannot conclude the district court abused its discretion by admitting his testimony and report. Thus, we affirm the portion of the district court's order that relied upon Prinzi's testimony and report.[6] Accordingly, we

ORDER the judgment of the district court AFFIRMED.

_____, C.J.
Bulla

_____, J.
Gibbons

_____, J.
Westbrook

[6]Insofar as Sabo 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. Mari D. Parlade, District Judge
Justin Sabo
Vazquez Family Law
Eighth District Court Clerk