IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RAUL LOPEZ, JR.,
Appellant,
vs.
ROSALBA LOPEZ,
Respondent.

No. 89245-COA

FILED
DEC 09 2025
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

Raul Lopez, Jr., appeals from a district court's findings of fact, conclusions of law, and decree of divorce. Eighth Judicial District Court, Family Division, Clark County; Dedree Butler, Judge.

Raul and respondent Rosalba Lopez were married in May 2014. The parties share two children, J.L. (born in April 2005) and R.L. (born in May 2018). In September 2022, Rosalba filed a complaint for divorce. Raul filed an answer. The parties reached an agreement as to all custodial issues in the case, including that they would exercise joint legal and physical custody and Rosalba would pay Raul child support. Thus, the only unresolved matters were Raul's request for alimony and the issue of attorney fees and costs. The case proceeded to an evidentiary hearing in September 2023.

At the evidentiary hearing, the district court received testimony from Rosalba and Raul. Rosalba testified as to her income and expenses. She confirmed that she works full-time as an operations supervisor at a freight company. She stated that she supports J.L., who turned 18 years

old during the litigation and continued to live with Rosalba, including paying for J.L.'s car payments, cell phone, groceries, tools for work, and other expenses. Rosalba's position was that she does not have the ability to pay Raul alimony as she covers the entirety of her household expenses; expenses related to her health, including surgery and radiation treatment she underwent for breast cancer; and because she will be paying Raul child support. She also testified concerning skin removal surgery she received, which was not covered by insurance. Raul testified that he has not worked since 2018 and receives Social Security Disability benefits. He argued that he is requesting alimony so he can move out of his parents' residence, where he has resided since the parties separated. Raul's position was that Rosalba was financially able to provide him alimony because she exaggerated her expenses.

Subsequently, the district court entered its findings of fact, conclusions of law, and decree of divorce. With respect to Raul's request for alimony, the court evaluated the NRS 125.150(9) alimony factors. Beginning with Rosalba, the district court found, as reflected in Rosalba's financial disclosure form, that Rosalba's net income after tax deductions is $5,984.27, while her expenses are $5,477. From there, the court found that Rosalba credibly testified that she used her paycheck to cover marital residence costs, and costs related to the parties' children, including J.L., who resides with Rosalba, and other health related costs including medical treatments. The court noted that Rosalba was diagnosed with breast cancer, which necessitated medical treatment and included necessary medical bills and expenses. The court next found that there was no evidence

presented that Rosalba engaged in extravagant spending. The court noted that even considering Raul's arguments that Rosalba's expenses increased and were unreasonable or exaggerated, at most, he could demonstrate that Rosalba would have an extra few hundred dollars monthly that could be applied to alimony.

As to Raul, the district court further found that Raul does not work and is disabled due to an injury he sustained. The court found that Raul's gross monthly income, which consists of Social Security Disability benefits, is $1,856.90. Moreover, the court found that Raul was able to cover his living expenses without Rosalba's financial contribution for about a year after Raul moved out of the marital residence in May 2022. The court further noted that Raul has limited expenses.

And with respect to both parties, the district court found that they would each be awarded an equal lump sum from the sale of the marital residence to assist with living expenses. Additionally, the court considered the duration of the parties' marriage. The court also found that the parties have high school educations and were both 40 years old at the time the district court entered its decree.

Based on the foregoing, the district court ultimately determined that an award of alimony was not warranted because Raul's expenses are limited, and he did not present a need for support that would overcome the burden to Rosalba based on her necessary expenses. The court further determined that Rosalba does not have the ability to pay Raul a monthly amount of alimony due to her expenses after tax deductions. The court also indicated that Rosalba would be awarded her attorney fees and costs,

directed her counsel to submit a memorandum of attorney fees and costs, and stated that a separate order would be issued concerning the fees and costs award. This appeal followed.

On appeal, Raul argues that the district court's findings of fact supporting its decision to deny his request for alimony were erroneous.[1] He asserts the district court erred in its findings, arguing that Rosalba's expenses for J.L. should not have been taken into account given that she is 18 years old. He also asserts that Rosalba's expenses were inflated and that she has the means to pay for alimony. Conversely, Rosalba asserts that the district court did not abuse its discretion in declining to award alimony.

This court reviews a district court's decision of whether to award alimony for an abuse of discretion. *Kogod v. Cioffi-Kogod*, 135 Nev. 64, 66, 439 P.3d 397, 400 (2019). "In granting a divorce, the [district] court [m]ay award such alimony to either spouse . . . as appears just and

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[1]To the extent Raul also challenges the portion of the district court's divorce decree awarding attorney fees and costs to Rosalba, his appeal is premature because the decree contemplated further motion practice concerning the amount of attorney fees and costs to award followed by entry of a final order resolving that issue. *See Rennels v. Rennels*, 127 Nev. 564, 569, 257 P.3d 396, 399 (2011) (providing that a final order "disposes of the issues presented" leaving "nothing for the future consideration of the court" (internal quotation marks omitted)). Insofar as Raul challenges any final order resolving the attorney fees issue entered during the pendency of this appeal, we lack jurisdiction because Raul did not file a separate notice of appeal of the decision. *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 appealed 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").

equitable." NRS 125.150(1)(a). "The decision of whether to award alimony is within the discretion of the district court," but in doing so, the court "must consider the eleven factors listed in NRS 125.150(9)." *Kogod*, 135 Nev. at 66-67, 439 P.3d at 400-01. The district court's factual findings related to these factors must be "supported by substantial evidence." *Eivazi v. Eivazi*, 139 Nev. 408, 426, 537 P.3d 476, 492 (Ct. App. 2023).

"Alimony is financial support paid from one spouse to the other whenever justice and equity require it." *Rodriguez v. Rodriguez*, 116 Nev. 993, 999, 13 P.3d 415, 419 (2000); *see also* NRS 125.150(1)(a) (providing that the alimony award must be "just and equitable"). Alimony may be awarded "based on the receiving spouse's need and the paying spouse's ability to pay." *Kogod*, 135 Nev. at 68, 439 P.3d at 401. Alternatively, alimony may "be awarded to compensate for economic loss as the result of a marriage and subsequent divorce, particularly one spouse's loss in standard of living or earning capacity." *Id.* at 70, 439 P.3d at 403. However, the Nevada Supreme Court has explained that "our case law does not require the district court to award alimony so as to effectively equalize salaries." *Shydler v. Shydler*, 114 Nev. 192, 199, 954 P.2d 37, 41 (1998). A district court has broad discretion in deciding whether to award alimony. *Buchanan v. Buchanan*, 90 Nev. 209, 215, 523 P.2d 1, 5 (1974).

Here, the record shows that the district court adequately evaluated the factors in NRS 125.150(9). The court concluded that alimony was not warranted because Raul's expenses are limited, and he did not present a need for alimony that would overcome the burden to Rosalba based on her necessary expenses. *See Applebaum v. Applebaum*, 93 Nev.

382, 386, 566 P.2d 85, 88 (1977) (affirming a denial of alimony where the spouse "had adequate resources with which to support herself"). The court found that Rosalba credibly testified that she used her paycheck to cover marital residence costs, and costs related to the parties' children, including J.L., who resides with Rosalba, and other health related costs including medical treatment. The court also noted that both parties would receive an equal amount of equity after the sale of their home. The court further determined that Rosalba does not have the ability to pay Raul a monthly amount of alimony due to her expenses after tax deductions.

To the extent Raul challenges the district court's factual findings and contends that he was entitled to an award of alimony, we are not persuaded by his assertions. Specifically, Raul argues that the court erred in its analysis of the parties' expenses and should not have considered Rosalba's payment of J.L.'s expenses. He further asserts that certain of Rosalba's medical expenses were unnecessary and thus should not have been considered by the court when evaluating the parties' financial conditions.

However, NRS 125.150(9)(a) requires the district court to consider the financial conditions of each spouse, which includes their expenses. *See* 24A Am. Jur. 2d *Divorce and Separation* § 668 (2018) (noting that a party's "financial condition" encompasses their income, assets, financial obligations or expenses, and general financial need). Raul does not identify any legal authority supporting his assertion that the district court could not consider the specific expenses at issue here in evaluating the parties' financial conditions in order to make an alimony determination.

Edwards v. Emperor's Garden Rest., 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (declining to consider claims not supported by cogent argument and relevant authority). Moreover, the district court noted that even considering Raul's arguments, Rosalba's expenses were not extravagant, which is supported by substantial evidence.

While Raul disagrees with the district court's analysis of the NRS 125.150(9) factors and is essentially asking this court to reweigh the evidence considered by the district court to support its findings, this court does not do so. *See Grosjean v. Imperial Palace, Inc.*, 125 Nev. 349, 366, 212 P.3d 1068, 1080 (2009) (stating that "credibility determinations and the weighing of evidence are left to the trier of fact"); *Roggen v. Roggen*, 96 Nev. 687, 689, 615 P.2d 250, 251 (1980) (noting that it "is not the duty of a reviewing court to instruct the trier of facts as to which witnesses, and what portions of their testimony, are to be believed"). Accordingly, Raul's arguments do not provide a basis for relief and we therefore discern no abuse of discretion in the district court's decision not to award alimony.[2]

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[2]To the extent Raul challenges the court's findings with respect to Rosalba obtaining a high school diploma, when she did not finish high school, and the year of the parties' marriage, which the court stated was 2015 instead of 2014, we conclude that these were clerical errors that do not affect our overall alimony analysis. *See Error—clerical error, Black's Law Dictionary* (12th ed. 2024) (defining a clerical error as "[a]n error resulting from a minor mistake or inadvertence and not from judicial reasoning or determination; [especially], a drafter's or typist's technical error that can be rectified without serious doubt about the correct reading"); *see also Wyeth v. Rowatt*, 126 Nev. 446, 465, 244 P.3d 765, 778 (2010) (explaining that an error is harmless if it does not affect a party's substantial rights); *cf.* NRCP

See Schwartz v. Schwartz, 126 Nev. 87, 90, 225 P.3d 1273, 1275 (2010) (observing that appellate courts will not interfere with a disposition of community property or alimony decisions unless it appears on the entire record that the court abused its discretion, and that an appellate court's "rationale for not substituting its own judgment for that of the district court, absent an abuse of discretion, is that the district court has a better opportunity to observe parties and evaluate the situation" (quoting *Wolff v. Wolff*, 112 Nev. 1355, 1359, 929 P.2d 916, 919 (1996))).

Therefore, we

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



_____, C.J.
Bulla



_____, J.
Gibbons



_____, J.
Westbrook

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61 (providing that a court must disregard all errors and defects that do not affect a party's substantial rights).

[3]Insofar as Raul raises arguments that are not specifically addressed in this order, we have considered the same and conclude they do not present a basis for relief.

cc: Hon. Dedree Butler, District Judge, Family Division
Ara H. Shirinian, Settlement Judge
Roberts Stoffel Family Law Group
Nevada Family Law Group
Eighth District Court Clerk