IN THE SUPREME COURT OF THE STATE OF NEVADA

LISA J. GIBSON,
Appellant,
vs.
THOMAS J. GIBSON,
Respondent.

No. 84011

FILED
JUN 13 2023
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a special order entered after a final judgment in a divorce action. Eighth Judicial District Court, Family Court Division, Clark County; Stacy Michelle Rocheleau, Judge.[1]

The parties divorced in 2003 and in 2008 entered into a settlement agreement, after an appeal, whereby respondent Thomas Gibson agreed to pay appellant Lisa Gibson $58,300. In 2009, the district court reaffirmed the 2008 judgment by denying Thomas's motion to set it aside and awarding Lisa additional costs and fees. In June 2015, the court once again reaffirmed the 2008 and 2009 judgments, set out the amounts due under each judgment, and awarded Lisa additional attorney fees. After the remand from a subsequent appeal, in 2021, Thomas asserted that the statute of limitations to collect on the judgments had passed because Lisa had not timely filed any affidavits of judgment renewals. The district court agreed with Thomas and concluded that Lisa was time barred from collecting on the judgments.

Even if this court were to accept Lisa's assertion that the 2008, 2009, and 2015, orders were transactions on the underlying 2003 divorce decree judgment that tolled the statute of limitations, the district court properly concluded that her failure to file an affidavit of judgment renewal

[1]Pursuant to NRAP 34(f)(1), we have determined that oral argument is not warranted in this appeal.

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within 90 days of June 12, 2021, six years after entry of the 2015 order, precluded her from collecting on the judgments. *See* NRS 11.190 (providing that a party has six years to commence an action for recovery on a judgment); NRS 11.200 (explaining that the statute of limitations in NRS 11.190 begins running "from the last transaction or the last item charged or last credit given"); *see also Davidson v. Davidson*, 132 Nev. 709, 717, 382 P.3d 880, 885 (2016) (applying NRS 11.190 to a divorce decree). Additionally, the collection efforts Lisa undertook between 2015 and 2021 would not restart the statute of limitations because the statute of limitations begins running from the time the debt becomes due, the last payment made, the last item charged, or the last credit given.[2] NRS 11.200; *Davidson*, 132 Nev. at 717, 382 P.3d at 885; *Borden v. Clow*, 21 Nev. 275, 278, 30 P. 821, 822 (1892) ("the statute begins to run when the debt is due"). Thus, even if we accept Lisa's arguments, the district court properly concluded that her failure to timely renew the judgment in 2021 precluded her from collecting on the judgments. *See Davis v. Beling*, 128 Nev. 301, 316, 278 P.3d 501, 512 (2012) (explaining that this court reviews a question of law de novo).

Next, Lisa contends that the district court erred in concluding that she was not entitled to relief under *Martin v. Martin*, 108 Nev. 384, 832 P.2d 390 (1992) and *Allen v. Allen*, 112 Nev. 1230, 925 P.2d 503 (1996). We conclude that the district court properly determined that a previous

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[2]Lisa appears to argue that she obtained a writ of garnishment against Thomas in 2017, which she contends should toll the statute of limitations, but she did not include a copy of the writ of garnishment in the record before this court. *See* NRAP 30(b)(3) (requiring the appellant to include any "portions of the record essential to determination of issues raised in appellant's appeal"); *Cuzze v. Univ. and Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007) ("When an appellant fails to include necessary documentation in the record, we necessarily presume that the missing portion supports the district court's decision.").

judge had considered and rejected Lisa's argument in 2015 and therefore the court could not revisit those arguments. *See, e.g., Recontrust Co. v. Zhang*, 130 Nev. 1, 7-8, 317 P.3d 814, 818 (2014) (explaining that under the law-of-the-case doctrine, a court cannot reconsider questions decided by that court in an earlier phase). The record demonstrates that Lisa raised the argument concerning *Martin* and *Allen* in the motion practice leading up to the 2015 order, and the district court in that order denied her request for relief under those cases. Further, Lisa did not seek reconsideration of the 2015 decision and to the extent her motion for clarification sought to have the court reconsider her arguments concerning *Martin* and *Allen*, that motion would have been an untimely motion for reconsideration. EDCR 2.24 (2015) (requiring a party to file a motion for reconsideration within 10 days of written notice of the order); *see also R.J. Reynolds Tobacco Co. v. Eighth Judicial Dist. Court*, 138 Nev., Adv. Op. 55, 514 P.3d 425, 429 (2022) (providing that this court reviews a district court's denial of a motion for reconsideration for an abuse of discretion). Thus, the district court properly concluded that it could not reconsider Lisa's arguments related to *Martin* and *Allen*. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

Stiglich, C.J.
Stiglich

Lee, J.
Lee

Bell, J.
Bell

cc: Hon. Stacy Michelle Rocheleau, District Judge, Family Court Division
Robin J. Barber
Nevada Family Law Group
Eighth District Court Clerk