IN THE SUPREME COURT OF THE STATE OF NEVADA

MELISSA ANN SUPNICK,
Appellant,
vs.
MATTHEW ADAM SUPNICK,
Respondent.

No. 90218

FILED
APR 17 2026
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER AFFIRMING IN PART AND REVERSING IN PART

This is an appeal from district court orders awarding attorney fees and costs following a post-decree evidentiary hearing in a child custody matter. Eighth Judicial District Court, Family Division, Clark County; Stacy Michelle Rocheleau, Judge.

Appellant Melissa Ann Supnick and respondent Matthew Adam Supnick are the parents of one minor child. After they divorced in 2014, they shared joint legal custody and Melissa had primary physical custody. Although the district court approved their stipulation to permit Melissa to relocate to Wisconsin with the child in 2016, Melissa did not relocate at that time. Matthew later moved to modify custody and revoke his prior stipulation for Melissa's relocation. Melissa filed an opposition and countermotion for permission to relocate to Wisconsin with the child. The district court denied Matthew's motion to modify custody but rescinded the previous stipulation to relocate. The district court found that Melissa had made a prima facie case "that there is an actual advantage to the child" to relocate and ordered an evidentiary hearing.

At the evidentiary hearing, Matthew moved for judgment on partial findings under NRCP 52(c), which the district court granted and denied Melissa's motion to relocate. The district court later granted Matthew's motion for attorney fees under NRS 18.010(2)(b) and EDCR 5.219, finding that "Matthew was the prevailing party and Melissa's position was brought and maintained without reasonable ground." The district court also granted Matthew's motion for an award of $3,054.05 in costs as the prevailing party. Melissa now appeals the district court's orders awarding Matthew attorney fees and costs.

Melissa argues the district court abused its discretion by awarding attorney fees under NRS 18.010(2)(b) and EDCR 5.219. We review an award of attorney fees for an abuse of discretion and will not reverse an award if it is supported by substantial evidence. *Logan v. Abe*, 131 Nev. 260, 266, 350 P.3d 1139, 1143 (2015).

NRS 18.010(2)(b) allows the district court to award attorney fees to the prevailing party when the opposing party brings or maintains a claim "without reasonable ground or to harass the prevailing party." Under NRS 18.010(2)(b), "a claim is frivolous or groundless if there is no credible evidence to support it," *Rodriguez v. Primadonna Company*, 125 Nev. 578, 588, 216 P.3d 793, 800 (2009), which requires the district court to consider "the actual circumstances of the case," *Semenza v. Caughlin Crafted Homes*, 111 Nev. 1089, 1095, 901 P.2d 684, 688 (1995) (internal citation omitted). EDCR 5.219, in turn, provides that the district court may sanction a party "for unexcused intentional or negligent conduct," including presenting a "frivolous, unnecessary, or unwarranted" position or "[m]ultiplying the proceedings in a case so as to increase costs unreasonably and vexatiously."

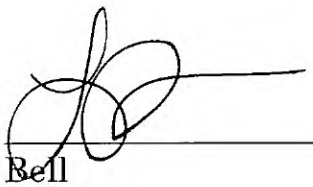
We conclude the district court abused its discretion by awarding Matthew attorney fees. The district court found there was sufficient evidence to warrant an evidentiary hearing on relocation, and Melissa and Matthew both presented testimony tending to support Melissa's relocation request. At the evidentiary hearing, Melissa testified that family in Wisconsin could provide her with free childcare and housing while she secures employment and finds her own home. Melissa also testified that relocating to Wisconsin would allow her to help her mother, who is facing health issues. Melissa further testified that the cost of living in Wisconsin is lower than Nevada, including lower rent and mortgage prices, grocery prices, gas prices, and private school tuition prices. Melissa also testified regarding the benefits to the child in relocating. For example, Melissa testified that pediatricians in Wisconsin have shorter wait times than the child's pediatrician in Nevada, which would better serve the child's existing medical conditions. Melissa also testified that the child would have her own bedroom in Wisconsin and would be able to spend time with her cousins, with whom the child has a good relationship. Matthew conceded that he believed he would struggle with relating to the child during puberty, which is relevant given the child's age.

Thus, the record does not support a finding that Melissa brought her motion without reasonable grounds or to harass Matthew. Because we conclude the district court abused its discretion by awarding Matthew attorney fees under NRS 18.010(2)(b) and EDCR 5.219 and reverse that award, we need not address Melissa's additional argument that the award was unreasonable.

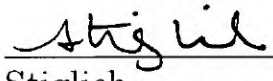
Melissa also argues that the district court abused its discretion by awarding costs. *See Logan*, 131 Nev. at 267, 350 P.3d at 1144 (reviewing

an award of costs for an abuse of discretion). We decline to consider that argument because Melissa failed to file a motion to retax costs. *Sheehan & Sheehan v. Nelson Malley & Co.*, 121 Nev. 481, 493, 117 P.3d 219, 227 (2005) (concluding that the failure to file a motion to retax costs constitutes a waiver of appellate review of an order awarding costs). We therefore

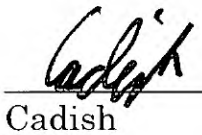
ORDER the judgment of the district court awarding costs AFFIRMED AND the judgment of the district court awarding attorney fees REVERSED.



_____, J.
Bell



_____, J.
Stiglich



_____, J.
Cadish

cc: Hon. Stacy Michelle Rocheleau, District Judge, Family Division
Ara H. Shirinian, Settlement Judge
The Dickerson Karacsonyi Law Group
Elisabeth S. Flemming, Chtd.
Hauser Family Law
Eighth District Court Clerk