

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2022 ND 26

Tyler Sherman,

Plaintiff and Appellant

v.

Jaclyn Guillaume,

Defendant and Appellee

and

State of North Dakota,

Statutory Real Party in Interest

No. 20210196

Appeal from the District Court of Stark County, Southwest Judicial District,
the Honorable Dann E. Greenwood, Judge.

AFFIRMED.

Per Curiam.

Alyssa L. Lovas, Bismarck, ND, for plaintiff and appellant.

Markus A. Powell, Dickinson, ND, for defendant and appellee.

Sherman v. Guillaume
No. 20210196

Per Curiam.

[¶1] Tyler Sherman appeals from a judgment awarding primary residential responsibility of the parties' minor child to Jaclyn Guillaume. We summarily affirm.

[¶2] Sherman argues the district court misapplied the law by ignoring evidence indicating Guillaume engaged in alienating behavior. “[N]ot all facts indicating parental alienation are sufficient to preclude a parent from having primary residential responsibility.” *Rustad v. Rustad*, 2014 ND 148, ¶ 14, 849 N.W.2d 607. Here, the district court acknowledged Guillaume may have engaged in some alienating behavior that the court did not find significant, and the court explained its decision was not based on alienation. Sherman also argues the court gave improper weight to Guillaume under several of the best interest factors. Sherman’s allegations essentially ask us to reweigh the evidence, which we will not do under the clearly erroneous standard of review. *See Lessard v. Johnson*, 2019 ND 301, ¶ 12, 936 N.W.2d 528.

[¶3] We summarily affirm under N.D.R.App.P. 35.1(a)(2) and (7).

[¶4] Jon J. Jensen, C.J.
Gerald W. VandeWalle
Daniel J. Crothers
Lisa Fair McEvers
Jerod E. Tufte