

Filed 12/12/19 by Clerk of Supreme Court

**IN THE SUPREME COURT
STATE OF NORTH DAKOTA**

2019 ND 281

McKiley Wilber,

Plaintiff and Appellant

v.

Sarah Scaff,

Defendant and Appellee

No. 20190196

Appeal from the District Court of Burleigh County, South Central Judicial District, the Honorable James S. Hill, Judge.

AFFIRMED.

Per Curiam.

Jennifer M. Gooss, Beulah, N.D., for plaintiff and appellant.

Matthew J. Arthurs, Bismarck, N.D., for defendant and appellee.

Wilber v. Scaff
No. 20190196

Per Curiam.

[¶1] McKiley Wilber appeals from a district court judgment granting Sarah Scaff primary residential responsibility of their child. On appeal, Wilber argues the district court’s findings were clearly erroneous. He also argues the district court abused its discretion by allocating to him all costs of transporting the child and by not taking judicial notice of the criminal history of Scaff’s former live-in boyfriend. We conclude the district court’s findings are not clearly erroneous and it did not abuse its discretion. Therefore, we summarily affirm under N.D.R.App.P. 35.1(a)(2) and (4).

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