

IN THE SUPREME COURT OF THE STATE OF NEVADA

JASON ERIC SONNTAG,
Appellant,
vs.
METROPOLITAN PROPERTY AND
CASUALTY INSURANCE CO.,
Respondent.

No. 48570

FILED

SEP 10 2007

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *A. Alvarado*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order denying a motion to set aside a default judgment. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

The district court has broad discretion in determining whether to set aside a default judgment under NRCP 60(b).¹ Such relief is appropriate only when the applicant has demonstrated "mistake, inadvertence, surprise, or excusable neglect," or another enumerated ground for relief.² When resolving a motion to set aside a default judgment, the court may consider the moving party's prompt action, lack of intent to delay the proceedings, lack of knowledge of the procedural requirements, and good faith.³ The motion must be made within a

¹Price v. Dunn, 106 Nev. 100, 103, 787 P.2d 785, 787 (1990).

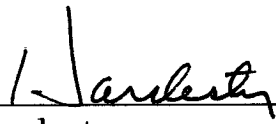
²NRCP 60(b).


³See Stoecklein v. Johnson Electric, Inc., 109 Nev. 268, 271, 849 P.2d 305, 307 (1993).

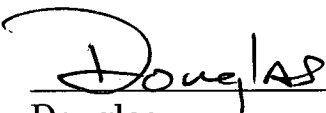
reasonable time and, if based upon the grounds in NRCP 60(b), not more than six months after written notice of the judgment's entry was served.⁴ The district court's determination will not be disturbed on appeal absent an abuse of the court's discretion.⁵

Having reviewed the record, appellant's civil proper person appeal statement and respondent's answering brief, we conclude that the district court did not abuse its discretion when it denied appellant's request for NRCP 60(b) relief. As the record supports the district court's conclusions, we affirm the district court's order.⁶

It is so ORDERED.


_____, J.
Hardesty


_____, J.
Parraguirre


_____, J.
Douglas

⁴See NRCP 60(b).

⁵Stoecklein, 109 Nev. at 221, 849 P.2d at 307.

⁶In light of this order we deny, as moot, appellant's motion "to obtain equitable and declaratory relief and writ of execution" filed on June 27, 2007. Also, we have considered all documents submitted by appellant between April and September of 2007, and we conclude that any additional relief requested therein is not warranted.

cc: Hon. Connie J. Steinheimer, District Judge
Jason Eric Sonntag
Laxalt & Nomura, Ltd./Reno
Washoe District Court Clerk