

IN THE SUPREME COURT OF THE STATE OF NEVADA

JOHN WOJTYTO AND DALE
WOJTYTO,
Appellants,
vs.
AVCO CONSTRUCTION, INC.,
Respondent.

No. 50018

FILED

JUL 24 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

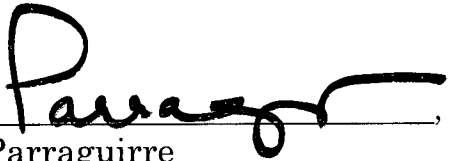
This is an appeal from a district court default judgment in a breach of contract action. Fifth Judicial District Court, Nye County; Robert W. Lane, Judge.


The primary issue before this court is whether the district court abused its discretion when it denied appellants' motion to set aside the default entered against them pursuant to NRCP 55(c). A motion to set aside a default is addressed to the district court's sound discretion and will not be disturbed on appeal unless there has been an abuse of discretion. Lukey v. Thomas, 75 Nev. 20, 22, 333 P.2d 979, 979 (1959). NRCP 55(c) reads as follows: "[f]or good cause shown the court may set aside an entry of default and, if a judgment by default has been entered, may likewise set it aside in accordance with Rule 60." As used in NRCP 55(c), the phrase "good cause shown" includes mistake, inadvertence, surprise, or excusable neglect. Tahoe Village Realty v. DeSmet, 95 Nev. 131, 134, 590 P.2d 1158, 1160 (1979), abrogated on other grounds by Ace Truck v. Kahn, 103 Nev. 503, 746 P.2d 132 (1987).


Having reviewed the record and considered the parties' briefs, we conclude that the district court did not abuse its discretion when it denied appellants' request for NRCP 55(c) relief and entered a default

judgment against them. Although appellants purport to challenge the denial of their motion for reconsideration of the order denying their motion to set aside the default, appellants have failed to make any substantive arguments with respect to this portion of the appeal. Accordingly, we need not address appellants' challenge of the order. See Edwards v. Emperor's Garden Rest., 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (noting that this court need not consider issues when an appellant fails to present any arguments or authority regarding those issues). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Robert W. Lane, District Judge
Stephen E. Haberfeld, Settlement Judge
Craig B. Friedberg
Carl M. Joerger
Nye County Clerk