

IN THE SUPREME COURT OF THE STATE OF NEVADA

VALLEY PEST CONTROL, INC.,
Appellant,
vs.
ENDURED BUILDERS,
Respondent.

No. 50709

FILED

JUL 30 2009

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

ORDER OF AFFIRMANCE


This is an appeal from a district court order granting an NRCP 60(b) motion to set aside an order dismissing respondent's complaint. Second Judicial District Court, Washoe County; Patrick Flanagan, Judge.


On appeal, Valley Pest argues that the district court abused its discretion when it granted respondent Endured Builders' NRCP 60(b) motion to set aside the district court's April 4, 2007, dismissal order. We disagree.


Under NRCP 60(b)(1), a district court may relieve a party from a final judgment on the grounds of mistake, inadvertence, surprise, or excusable neglect. Lindblom v. Prime Hospitality Corp., 120 Nev. 372, 375, 90 P.3d 1283, 1284 (2004). A district court has broad discretion to grant or deny a party's motion for NRCP 60(b) relief and we will not reverse a ruling on such a motion absent an abuse of discretion. Id.; Kahn

v. Orme, 108 Nev. 510, 513, 835 P.2d 790, 792 (1992). Finding no abuse of discretion in the district court's order, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Pickering

cc: Hon. Patrick Flanagan, District Judge
Leonard I. Gang, Settlement Judge
Lance R. Van Lydegraf
Law Offices of Mark Wray
Washoe District Court Clerk