

IN THE SUPREME COURT OF THE STATE OF NEVADA

MATRIX CONSTRUCTION CONSULTING,
INC., A NEVADA CORPORATION,
Appellant,
vs.
SERVICE TEAM OF PROFESSIONALS,
INC., A NEVADA CORPORATION,
Respondent.

No. 52395

FILED

NOV 13 2009

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: 
DEPUTY CLERK


ORDER OF AFFIRMANCE

This is an appeal from a district court order denying an NRCP 60(b) motion to set aside a confession of judgment in a contract action. Eighth Judicial District Court, Clark County; Joseph T. Bonaventure, Senior Judge.

The district court has wide discretion to determine an NRCP 60(b) motion for relief from a judgment and we will not disturb its ruling absent an abuse of discretion. Deal v. Baines, 110 Nev. 509, 512, 874 P.2d 775, 777 (1994). Having reviewed the parties' briefs and the record on appeal, we find no abuse of discretion in the district court's denial of appellant's motion for NRCP 60(b) relief. See id.; see also Torrealba v. Kesmetis, 124 Nev. ___, ___, 178 P.3d 716, 725 (2008) (holding that strict compliance with notarial requirements is not required and concluding that courts should consider whether honoring an improperly notarized instrument would result in (1) an improper benefit to the notary or any party to the instrument or (2) any harm flowing from the transaction to determine whether a defectively notarized document should be honored); Occhiuto v. Occhiuto, 97 Nev. 143, 146 n.2, 625 P.2d 568, 570 n.2 (1981)

(noting that a party seeking to set aside a judgment under NRCP 60(b) for fraud must prove fraud by clear and convincing evidence). Accordingly, we ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Parraguirre


_____, J.
Douglas


_____, J.
Pickering

cc: Chief Judge, Eighth Judicial District
Hon. Joseph T. Bonaventure, Senior Judge
Stephen E. Haberfeld, Settlement Judge
Brett J. Marshall
Thomas Michaelides
Pengilly Robbins Slater
Eighth District Court Clerk

¹In light of this order, we deny as moot respondent's motion to dismiss this appeal.