

IN THE SUPREME COURT OF THE STATE OF NEVADA

JUDITH SCRASE,
Appellant,
vs.
GARY WIRTH AND LAKE MEAD RV
VILLAGE, LLC,
Respondents.

No. 52871

FILED

DEC 04 2009

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

ORDER OF AFFIRMANCE

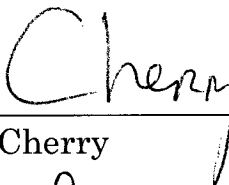
This is a proper person appeal from a district court order denying an NRCP 60(b) motion to set aside an order that dismissed a complaint in a real property action. Eighth Judicial District Court, Clark County; James M. Bixler, Judge.

After appellant instituted the underlying action, the district court ordered her to show cause why her complaint should not be dismissed, as it appeared that her claims had been adjudicated in a previous case. After appellant failed to timely respond, the district court entered an order dismissing her complaint. Appellant then filed a motion under NRCP 60(b), to set aside the dismissal. The district court denied her motion. This appeal followed.

The district court has broad discretion in deciding whether to grant or deny an NRCP 60(b) motion to set aside a judgment, and this court will not disturb that decision absent an abuse of that discretion. Cook v. Cook, 112 Nev. 179, 912 P.2d 264 (1996). Having reviewed appellant's proper person civil appeal statement and the record in light of that standard, we conclude that the district court's order denying

appellant's motion to set aside the judgment was not an abuse of its discretion. Specifically, appellant's complaint was barred under claim preclusion principles. See Five Star Capital Corp. v. Ruby, 124 Nev. ___, ___, 194 P.3d 709, 713 (2008). Accordingly, we

ORDER the judgment of the district court AFFIRMED.



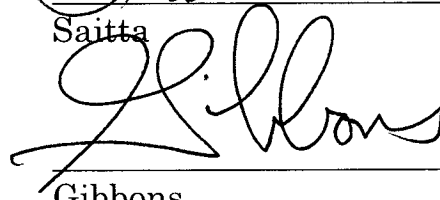
Cherry

J.



Saitta

J.



Gibbons

J.

cc: Hon. James M. Bixler, District Judge
Judith Scrase
Steven Marzullo
Eighth District Court Clerk