

IN THE SUPREME COURT OF THE STATE OF NEVADA

TED KELLY,
Appellant,
vs.
APRYL KELLY AND VALARIE FUJII,
Respondents.

No. 55598

FILED

MAY 23 2011

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

ORDER OF AFFIRMANCE

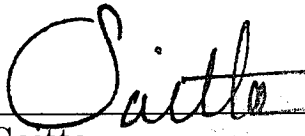
This is an appeal from a district court post-divorce decree order denying a motion for NRCP 60(b) relief from an order allowing appellant's counsel to withdraw and adjudicating an attorney's lien. Eighth Judicial District Court, Family Court Division, Clark County; Bryce C. Duckworth, Judge.

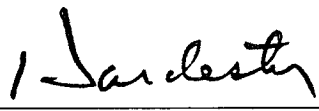
Having reviewed the parties' briefs and the documents before us on appeal, we conclude that the district court did not abuse its discretion by denying appellant's motion for NRCP 60(b) relief because, in the motion, appellant failed to cite relevant authority or make any argument that relief under that rule was warranted.¹ See Cook v. Cook,

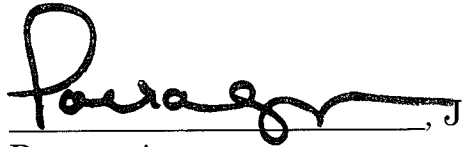
¹We note that the district court stated at the October 7, 2009, hearing on appellant's NRCP 60(b) motion that appellant would be required to put forth a meritorious defense in order for such a motion to be granted. While we recognize that this was an incorrect statement of the law, see Epstein v. Epstein, 113 Nev. 1401, 1405, 950 P.2d 771, 773 (1997) (abandoning the requirement that a party seeking to set aside a default judgment under NRCP 60(b) establish a meritorious defense), this is not a basis for reversal, as the district court's written order ultimately denied appellant's motion on the basis that it was not a proper NRCP 60(b) motion with citation to relevant points and authorities.

112 Nev. 179, 181-82, 912 P.2d 264, 265 (1996) (explaining that the district court's decision to deny an NRCP 60(b) motion will not be overturned absent an abuse of discretion). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Hardesty


_____, J.
Parraguirre

cc: Hon. Bryce C. Duckworth, District Judge, Family Court Division
Gary E. Gowen
Valarie I. Fujii & Associates
Apryl Kelly
Eighth District Court Clerk