

IN THE SUPREME COURT OF THE STATE OF NEVADA

KATHRYNNE M. TAYLOR, A
PROFESSIONAL MODEL,
Appellant,
vs.
ELDORADO HOTEL CASINO; AND
GREGG CARANO,
Respondents.

No. 57145

FILED

JAN 17 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *A. Anger*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court order dismissing appellant's complaint for failure to timely serve process. Second Judicial District Court, Washoe County; Steven P. Elliott, Judge.

Appellant filed a civil complaint against respondents in October 2009, and the district court clerk entered a default against respondents in March 2010. Respondents filed a motion to quash service of process, since the summons and complaint were served on a director for an entity not named in the complaint, and respondent Gregg Carano was never properly served under NRCP 4(d)(6). The district court granted the unopposed motion and, on June 25, 2010, it entered an order to proceed, allowing appellant 15 days to complete and file sufficient proof of service. In her response to the order, appellant asserted that service of process was perfected when the summons and complaint were originally served.

Subsequently, the district court clerk entered a default judgment against respondents. The district court then entered an order on October 5, 2010, striking and vacating the default judgment, noting that it was contrary to the court's order quashing service and entered without the court's knowledge. Thereafter, the district court granted

respondents' unopposed motion to dismiss the complaint based on ineffective service of process. This appeal followed.

This court reviews orders dismissing complaints for lack of effective service of process for an abuse of discretion. Abreu v. Gilmer, 115 Nev. 308, 312-13, 985 P.2d 746, 749 (1999). In addition, a trial court's discretion to set aside default judgments "is broad and such determinations will not be disturbed on appeal in the absence of clear abuse of discretion." See Fagin v. Fagin, 91 Nev. 794, 798, 544 P.2d 415, 417 (1975).

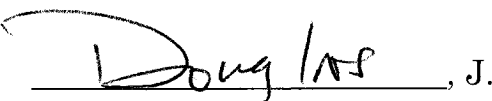
Having reviewed appellant's proper person appeal statement and the record on appeal, we conclude that the district court properly dismissed appellant's complaint. Appellant failed to comply with the rules pertaining to service of process and the June, 25, 2010, order to proceed. NRCP 4. Appellant seeks relief from the district court's April 5, 2010, order quashing service of process. The district court reasonably found that service of process upon both respondents "was ineffective and must be quashed" because process did not include a summons issued by the clerk of the court and was not delivered to persons authorized to accept service. NRCP 4(a) and (d). Even though the complaint was forwarded to the respondents, notice of the complaint is not a substitute for service of process. C.H.A. Venture v. G. C. Wallace Consulting, 106 Nev. 381, 384, 794 P.2d 707, 709 (1990).


Appellant also seeks relief from the district court's October 5, 2010, order striking and vacating the default judgment entered by the clerk of the court, but where service of process is ineffective, the district court lacks jurisdiction to enter a valid judgment imposing liability against the defendant. See Browning v. Dixon, 114 Nev. 213, 218, 954

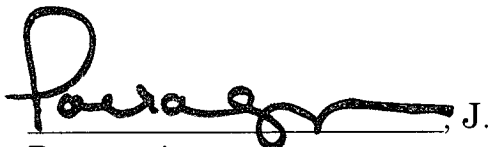
P.2d 741, 744 (1998); C.H.A. Venture, 106 Nev. at 383, 794 P.2d at 708-09. Thus, the district court reasonably found that the entry of a default judgment against respondents was improper based on the ineffective service of process.

Appellant never provided documentation to the district court showing that service of process was properly effected on the respondents as required by the June 25, 2010, order to proceed, and her case was therefore properly dismissed. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Douglas


_____, J.
Gibbons


_____, J.
Parraguirre

cc: Hon. Steven P. Elliott, District Judge
Kathrynne M. Taylor
McDonald Carano Wilson LLP/Reno
Washoe District Court Clerk

¹On June 28, 2011, appellant filed a letter, with attached documents, asking that the documents be considered in resolving the appeal. The attached documents were part of the district court record and were thus considered in the resolution of this matter.