

IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN R. ROSENBERG AND HARRY
H. SHULL,
Appellants,
vs.
SS12, LLC, A NEVADA LIMITED
LIABILITY COMPANY,
Respondent.

No. 57224

FILED

DEC 14 2012

TRAGIE K. LINDEMAN
CLERK OF SUPREME COURT
BY Angela
DEPUTY CLERK

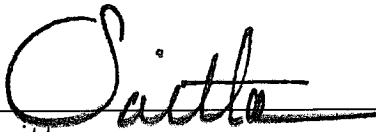
ORDER OF AFFIRMANCE

This is an appeal from a district court default judgment in a contract action. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

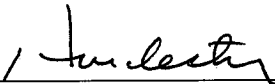
Having considered the parties' arguments and the record on appeal, we conclude that the district court did not abuse its discretion by declining to set aside the default under NRCPC 55(c), and instead entering a default judgment in respondent's favor. See Landreth v. Malik, 127 Nev. ___, ___, 251 P.3d 163, 171 (2011) (explaining that this court reviews the district court's decision regarding setting aside an entry of default for an abuse of discretion). In particular, the record supports the district court's conclusions that respondent was properly granted leave to serve appellants by publication when respondent was unsuccessful in obtaining personal service after exercising due diligence, see Abreu v. Gilmer, 115 Nev. 308, 312, 985 P.2d 746, 749 (1999) (stating that "[t]his court reviews due diligence determinations for an abuse of discretion"), and that appellants did not demonstrate the good cause necessary to set aside the

entry of default. See NRCP 55(c) (permitting the district court to set aside an entry of default “[f]or good cause shown”). Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Pickering


_____, J.
Hardesty

cc: Hon. Kathleen E. Delaney, District Judge
Stephen E. Haberfeld, Settlement Judge
Coleman Law Associates
Santoro Whitmire
Eighth District Court Clerk