

IN THE SUPREME COURT OF THE STATE OF NEVADA

IKEMEFULA CHARLES IBEABUCHI,
Appellant,
vs.
DAVID Z. CHESNOFF; RICHARD
SCHONFELD; AND THE LAW
OFFICES OF GOODMAN &
CHESNOFF D/B/A GOODMAN &
CHESNOFF,
Respondents.

No. 57794

FILED

JUN 09 2011

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
DEPUTY CLERK

ORDER OF AFFIRMANCE

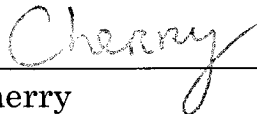
This is a proper person appeal from a district court order denying appellant's motions for relief from a summary judgment in a legal malpractice action. Eighth Judicial District Court, Clark County; Linda Marie Bell, Judge.


Having considered appellant's civil proper person appeal statement and the district court record, we conclude that the district court did not abuse its discretion in denying as untimely appellant's motions for relief from, or alternatively, reconsideration of, the summary judgment. The district court issued its order granting respondent Goodman & Chesnoff's motion for summary judgment on May 6, 2008, and written notice of the entry's order was served on May 12, 2008. Appellant's motions requesting relief were not filed in the district court until September and December 2010.

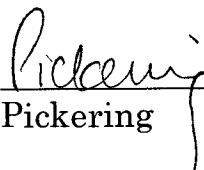
NRCP 60(b) requires that a motion to set aside an order for mistake, inadvertence, newly discovered evidence, or fraud must be made within a reasonable time, and not more than six months after the proceeding or the date when written notice of entry of the judgment or

order was served. Under EDCR 2.24, motions seeking reconsideration of an order must be filed no later than ten days after the order's notice of entry is served. Thus, the district court properly denied appellant's motion as untimely under both NRCP 60(b) and EDCR 2.24. Cook v. Cook, 112 Nev. 179, 912 P.2d 264 (1996) (providing that the district court has broad discretion in deciding whether to grant or deny an NRCP 60(b) motion); Union Petrochemical Corp. v. Scott, 96 Nev. 337, 339, 609 P.2d 323, 324 (1980) (recognizing that a lack of diligence in moving to set aside a judgment is sufficient for denial of the motion). Accordingly we,

ORDER the judgment of the district court AFFIRMED.¹


_____, J.
Cherry


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Linda Marie Bell, District Judge
Ikemefula Charles Ibeabuchi
Chesnoff & Schonfeld
Eighth District Court Clerk

¹Appellant's additional arguments concerning transmission of the district court record and remittitur lack merit and we therefore deny any further relief requested in appellant's April 29, 2011, objections to the record and May 19, 2011, filing regarding the remittitur issued in an earlier appeal.