

IN THE SUPREME COURT OF THE STATE OF NEVADA

ELIAS F. GHANEM, II, AN
INDIVIDUAL,
Appellant,
vs.
EDWARD TEEMS, AN INDIVIDUAL,
Respondent.

No. 59398

FILED

SEP 27 2013

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

ORDER OF AFFIRMANCE

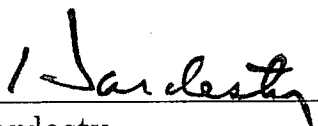
This is an appeal from a district court default judgment entered in a fraud and unjust enrichment action. Eighth Judicial District Court, Clark County; Kathy A. Hardcastle, Judge.

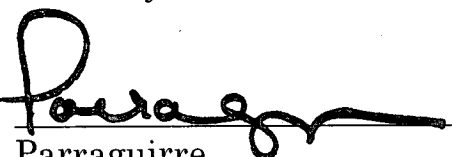
Appellant argues that the district court abused its discretion by denying his motion to set aside the entry of default in the action below because he demonstrated good cause for setting aside the default insofar as he explained that he had been unable to retain counsel before the default was entered. Although appellant asserted in his motion to set aside the default that financial difficulties had prevented him from retaining counsel, he did not explain why he was unable to appear on his own behalf, at least for the purpose of requesting additional time to obtain counsel. Moreover, appellant apparently retained counsel the day after the default was entered against him. But counsel did not file the motion to set aside the default until two months after it was entered. Under these circumstances, we conclude that the district court did not abuse its discretion by denying the motion to set aside the entry of default. *See* NRCPC 55(c) (providing that the district court may set aside the entry of default on a showing of good cause); *Landreth v. Malik*, 127 Nev. ___, ___,

251 P.3d 163, 171 (2011) (explaining that the district court's decision as to whether to set aside an entry of default is reviewed for an abuse of discretion).

Accordingly, we

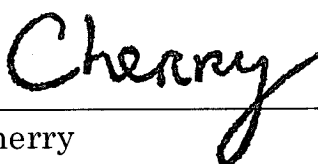
ORDER the judgment of the district court AFFIRMED.


_____, J.
Hardesty


_____, J.
Parraguirre

CHERRY, J., dissenting:

The district court abused its discretion by denying appellant's motion to set aside the entry of default, because appellant demonstrated good cause for setting it aside. Therefore, I would reverse the default judgment.


_____, J.
Cherry

cc: Eighth Judicial District Court Dept. 4
Michael H. Singer, Settlement Judge
Cohen-Johnson LLC
Armstrong Teasdale, LLP/Las Vegas
Eighth District Court Clerk