

IN THE SUPREME COURT OF THE STATE OF NEVADA

LESA KARAPONDO AND JARAF
ANTONIO MUINA,
Appellants,
vs.
RANCH HOUSE ESTATES OWNERS'
ASSOCIATION, A NEVADA
CORPORATION,
Respondent.

No. 60574

FILED

DEC 14 2012

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is a proper person appeal from a district court post-judgment order in a real property action. Eighth Judicial District Court, Clark County; Rob Bare, Judge.

Respondent filed a complaint seeking an injunction enjoining appellant Lesa Karapondo from violating any of respondent's governing documents. The complaint also sought declaratory relief, monetary damages for breach of contract and bad faith, and attorney fees. On November 9, 2011, the district court granted summary judgment to respondent, and entered a judgment granting a mandatory permanent injunction and awarding monetary damages, notice of entry of which was served by mail on November 10, 2011.¹ On January 12, 2012, appellants filed a motion that sought to permit appellants to defend and prosecute, which appears to have been both a motion for reconsideration of the summary judgment and a motion to intervene by appellant Jaraf Antonio

¹Appellant Lesa Karapondo appealed the permanent injunction, which was affirmed. See Karapondo v. Ranch House Estates Owners' Assoc., Docket No. 59804 (Order of Affirmance, May 11, 2012).

Muina. On February 3, 2012, respondent filed its opposition to the January 12 motion, arguing that it was an untimely motion for reconsideration. Respondent also filed a countermotion for release of its cash bond, an award of attorney fees and costs, and the imposition of sanctions. On March 20, 2012, the district court entered an order denying appellants' January 12 motion, denying respondent's motion for sanctions, attorney fees and costs, and granting respondent's motion for release of its cash bond.² This appeal followed.

Having reviewed appellants' proper person appeal statement and considered the record on appeal, we conclude that the district court appropriately ordered the cash bond released, as the preliminary injunction had been made permanent. NRCP 65(c). Further, we conclude that appellants' January 12 motion did not qualify as a motion under NRCP 50(b), 52(b) or 60, and was an untimely motion for reconsideration from the district court's prior orders and was appropriately denied.³ See

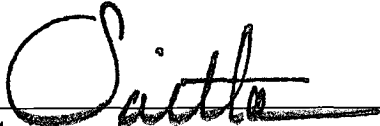
²Appellants are not aggrieved by the portion of the order denying attorney fees, costs, and sanctions. NRAP 3A(a). Insofar as the January 12 motion could be construed as a motion to intervene, an order denying such is not an appealable order. See Estate of LoMastro v. American Family Ins., 124 Nev. 1060, 1068 n.16; 195 P.3d 339, 345 n.16 (2008).

³Insofar as the motion could be construed as a motion to alter or amend the judgment under NRCP 59(e), it was untimely and therefore it does not qualify as a tolling motion and the district court orders denying appellants' motion for summary judgment and entering summary judgment in favor of respondent are not reviewable in this appeal. See AA Primo Builders v. Washington, 126 Nev. ___, ___, 245 P.3d 1190, 1193 (2010). Further, we have previously affirmed the district court order granting a permanent injunction, see Karapondo v. Ranch House Estates Owners' Assoc., Docket No. 59804 (Order of Affirmance, May 11, 2012),

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EDCR 2.24(b). We have considered appellants' remaining arguments and conclude they lack merit. Accordingly, we

ORDER the judgment of the district court AFFIRMED.⁴


Saitta _____, J.


Pickering _____, J.


Hardesty _____, J.

cc: Hon. Rob Bare, District Judge
Lesa Karapondo
Jaraf Antonio Muina
Aaron & Paternoster, Ltd.
Eighth District Court Clerk

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and that decision is binding law of the case. See Hsu v. County of Clark, 123 Nev. 625, 173 P.3d 724 (2007).

⁴In light of this order, we deny all outstanding motions and other requests for relief.