

IN THE SUPREME COURT OF THE STATE OF NEVADA

PATTE PURCELL, A/K/A PATRICIA K.
PURCELL, AN INDIVIDUAL,
Appellant,
vs.
ACQUIRED CAPITAL I, L.P., A
DELAWARE LIMITED PARTNERSHIP,
Respondent.

No. 61842

FILED

APR 11 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY A. Malone
DEPUTY CLERK

ORDER OF AFFIRMANCE

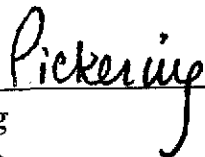
This is a proper person appeal from a district court order denying an NRCP 60(b) motion in a breach of contract action. Eighth Judicial District Court, Clark County; Ronald J. Israel, Judge.


Respondent filed a breach of contract action against appellant, and the parties entered into a stipulated judgment that was approved by the district court. Notice of entry of the order approving the stipulated judgment was served on October 27, 2011. On June 7, 2012, appellant filed a motion to vacate the stipulated judgment under NRCP 60(b) based on respondent's alleged fraud. The district court denied the motion on the basis that it was brought more than six months from the date when notice of the judgment's entry was served, and this appeal followed.

Having reviewed appellant's proper person appeal statement and the record on appeal, we perceive no abuse of discretion in the district court's denial of appellant's NRCP 60(b) motion. The district court has broad discretion in deciding whether to grant or deny an NRCP 60(b) motion to set aside a judgment, and this court will not disturb that decision absent an abuse of discretion. *Cook v. Cook*, 112 Nev. 179, 181-82, 912 P.2d 264, 265 (1996). NRCP 60(b) specifically requires that a


motion to set aside a judgment based on fraud be filed no more than six months after the date that written notice of entry of the judgment or order was served. Written notice of the entry of the order approving the stipulated judgment was filed more than six months before appellant filed her NRCP 60(b) motion. The district court therefore did not abuse its discretion in denying the motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Pickering



Parraguirre


_____, J.
Saitta

cc: Hon. Ronald J. Israel, District Judge
Patricia K. Purcell
Kern & Associates, Ltd.
Eighth District Court Clerk