

IN THE SUPREME COURT OF THE STATE OF NEVADA

PROLINC COSMETICS, INC.,
Appellant,
vs.
LORENA AYALA PENALOZA,
Respondent.

No. 66154

FILED

OCT 16 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE


This is an appeal from a district court order denying a motion to set aside a default judgment under NRCP 60(b) in a tort action. Eighth Judicial District Court, Clark County; Kenneth C. Cory, Judge.


Appellant filed its NRCP 60(b) motion seven months after learning of the default judgment's existence. Appellant, however, did not provide any explanation to the district court for the seven-month delay, and the district court consequently denied appellant's motion on the ground that it was not filed within a reasonable time. *See In re Harrison Living Trust*, 121 Nev. 217, 222, 112 P.3d 1058, 1061 (2005) ("[C]ourts retain the discretion to apply lack of diligence principles to NRCP 60(b)(4) void judgment challenges."¹ Given appellant's lack of an explanation in this respect, we cannot conclude that the district court abused its discretion in denying appellant's NRCP 60(b) motion on the ground that it

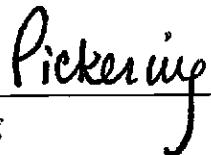
¹The district court also concluded that the judgment was not void because service by publication had been properly made. We need not consider whether this conclusion was proper in light of the district court's other conclusion that appellant did not seek NRCP 60(b) relief within a reasonable time.

was not filed within a reasonable time. *In re Harrison Living Trust*, 121 Nev. at 222, 112 P.3d at 1061. Accordingly, we

ORDER the judgment of the district court AFFIRMED.


_____, J.
Saitta


_____, J.
Gibbons


_____, J.
Pickering

cc: Hon. Kenneth C. Cory, District Judge
Lansford W. Levitt, Settlement Judge
Ferris & Associates
Blut Law Group, APC
The Knox-Raphael Law Firm
Eighth District Court Clerk