

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOHN W. MANN,
Appellant,

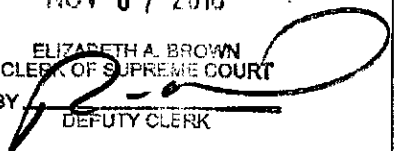
vs.

THE BANK OF NEW YORK MELLON
CORP., F/K/A THE BANK OF NEW
YORK AS TRUSTEE FOR
NATIONSTAR HOME EQUITY LOAN
TRUST 2007-C; CHEC 2007-C; FIRST
AMERICAN TRUSTEE SERVICING
SOL.; AND NATIONSTAR MORTGAGE,
LLC;
Respondents.

No. 74551-COA

FILED

NOV 07 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

John W. Mann appeals from a district court summary judgment order and a post-judgment order denying NRCP 60(b) relief in a wrongful foreclosure action. Eighth Judicial District Court, Clark County; Elissa F. Cadish, Judge.

Mann filed a complaint for wrongful foreclosure against respondents relating to a non-judicial foreclosure of certain real property. Respondents filed a motion to dismiss, or, in the alternative, for summary judgment. The district court granted summary judgment in favor of respondents. Mann then filed a motion for NRCP 60(b) relief, which was denied. This appeal followed.

Mann challenged both the district court's grant of summary judgment and its order denying NRCP 60(b) relief. This court reviews a district court's order granting summary judgment de novo. *Wood v.*

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Safeway, Inc., 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). But 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).

On appeal, Mann argues mainly that the facts are not as represented in the record and that the law utilized was incorrect. This court, however, need not consider claims that are not cogently argued. *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006). Mann does not explain how later-passed laws apply to the notice requirements for the foreclosure sale he now challenges, nor does he point to any evidence to support the purported disputes over material facts. *See Wood*, 121 Nev. at 729, 121 P.3d at 1029 (explaining that summary judgment is proper if the pleadings and all other evidence on file demonstrate that no genuine issue of material fact exists and that the moving party is entitled to judgment as a matter of law). Mann's arguments appear to confuse law and fact, and we find each argument lacks merit. *See Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38; *see also Wood*, 121 Nev. at 731, 121 P.3d at 1030-31 (requiring specific facts to demonstrate the existence of a genuine issue supporting the claims).

And while we disagree with the district court's determination that it lacked jurisdiction to consider whether NRCP 60(b) relief was warranted as to the summary judgment order, the court nonetheless also properly determined Mann had not demonstrated that grounds for relief

under NRCP 60(b) relief existed. *See Cook*, 112 Nev. at 181-82, 912 P.2d at 265.

In light of the foregoing, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Silver


_____, J.
Gibbons

cc: Hon. Elissa F. Cadish, District Judge
John W. Mann
Wright, Finlay & Zak, LLP/Las Vegas
Akerman LLP/Las Vegas
Eighth District Court Clerk

¹The Honorable Jerome T. Tao did not participate in the decision in this matter.