

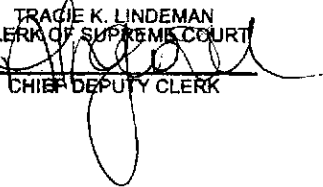
IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DERMOT D. GIVENS, INDIVIDUALLY,
Appellant,
vs.
E. BRENT BRYSON, INDIVIDUALLY;
E. BRENT BRYSON, LTD., A NEVADA
PROFESSIONAL CORPORATION;
ARTHUR L. WILLIAMS, JR.,
INDIVIDUALLY; AND LAW OFFICES
OF ARTHUR L. WILLIAMS, JR.,
Respondents.

No. 66449

FILED

JUN 17 2016

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a final judgment in an action for declaratory relief. Eighth Judicial District Court, Clark County; Gloria Sturman, Judge.

This action arises from a dispute between Dermot D. Givens, E. Brent Bryson, and Arthur L. Williams concerning the distribution of attorney fees awarded to Bryson in connection with a civil rights action brought in federal court.¹ The bench trial in this matter commenced on May 22, 2012, and lasted four days. When Givens failed to appear on the fourth and final day, the district court proceeded with trial as scheduled and subsequently entered its findings of fact, conclusions of law, and judgment based on the evidence and testimony presented. In relevant part, the district court found that Givens did not have a written agreement with the client and concluded that, under the Nevada Rules of Professional Conduct as applicable in 2003, Givens could not recover a

¹We do not recount the facts except as necessary to our disposition.

referral fee or any portion of the attorney fees awarded to Bryson. Givens filed a post-judgment motion for relief from judgment, for new trial, to alter or amend the judgment, or for reconsideration, in which he argued that the district court erred by concluding the trial and entering judgment without hearing his full case-in-chief. The district court denied the motion, and this appeal followed.


On appeal, Givens asks this court to vacate the district court's judgment and remand the matter to the district court with instructions to resume trial, relying primarily on NRCP 60(b)(1), NRCP 59(a)(1), and NRCP 59(a)(3).² 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). Likewise, "[t]he decision to grant or deny a motion for a new trial rests within the sound discretion of the trial court, and this court will not disturb that decision absent palpable abuse." *Edwards Indus., Inc. v. DTE/BTE, Inc.*, 112 Nev. 1025, 1036, 923 P.2d 569, 576 (1996). Having considered the parties' arguments and reviewed the record on appeal, we conclude that the district court did not abuse its discretion by denying Givens' post-trial motion, as Givens fails to establish that the judgment was the result of mistake, inadvertence, surprise, or excusable neglect,³ that his substantial


²Givens also refers to NRCP 60(b)(4), NRCP 52(b), and EDCR 2.24(b), but Givens fails to provide cogent argument or legal authority to support any claim for relief under those rules and we need not address them. See *Edwards v. Emperors' Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (noting that this court need not consider claims that are not cogently argued or supported by relevant authority).


³See NRCP 60(b)(1).

rights were materially affected by an irregularity in the proceedings, an order of the court, or an abuse of discretion by which he was prevented from having a fair trial,⁴ or that his substantial rights were materially affected by an accident or surprise which ordinary prudence could not have guarded against.⁵ Furthermore, to the extent that Givens challenges the judgment on its merits, we note that Givens fails to put forth any argument contesting the substance of the district court's findings of fact or conclusions of law. We therefore,

ORDER the judgment of the district court AFFIRMED.⁶


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Silver

cc: Hon. Gloria Sturman, District Judge
Lansford W. Levitt, Settlement Judge
Dermot D. Givens
Law Offices of Arthur L. Williams, Jr.
E. Brent Bryson
Eighth District Court Clerk

⁴See NRCP 59(a)(1).

⁵See NRCP 59(a)(3).

⁶We have considered Givens' remaining arguments and conclude they are without merit.