

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

BERTHINIA S. WILLIAMS,  
Appellant,  
vs.  
WYNN LAS VEGAS, LLC,  
Respondent.

No. 83295-COA

**FILED**

JAN 27 2022

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Berthinia S. Williams appeals a district court order denying her post-judgment motion for relief under NRCP 60(b). Eighth Judicial District Court, Clark County; Susan Johnson, Judge.<sup>1</sup>

In 2019, Williams filed a complaint against her former employer, respondent Wynn Las Vegas, LLC (Wynn), alleging that Wynn violated NRS 613.210 by interfering with her ability to gain employment in Las Vegas. Wynn filed a motion to dismiss the complaint under NRCP 12(b)(5), which Williams failed to oppose. Consequently, the district court granted the motion and entered its order dismissing Williams' complaint with prejudice on February 27, 2020. Over a year later, on April 20, 2021, Williams filed an appeal from the order of dismissal, which the supreme court dismissed as untimely. *See Williams v. Wynn Las Vegas & Encore Hotel*, No. 82856, 2021 WL 1962589 (Nev. May 14, 2021) (Order Dismissing Appeal).

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<sup>1</sup>The clerk of this court shall amend the caption for this case to conform to the caption on this order.

As relevant here, on June 17, 2021, Williams filed the instant “motion to reconsider” the order granting the motion to dismiss, alleging that she never received Wynn’s motion, and that if she had received the motion, her mental state and emotional distress due to Wynn’s actions would have prevented her from properly opposing the motion. The district court construed the motion as seeking relief under NRCP 60(b)(1) for “mistake, inadvertence, surprise, or excusable neglect,” and because Williams filed her motion over a year after entry of the order granting Wynn’s motion to dismiss, denied the motion as untimely under NRCP 60(c)(1). Williams now appeals.

We review the denial of an NRCP 60(b)(1) motion for an abuse of discretion. *Rodriguez v. Fiesta Palms, LLC*, 134 Nev. 654, 656, 428 P.3d 255, 257 (2018), *holding clarified by Willard v. Berry-Hinckley Indus.*, 136 Nev. 467, 471 n.6, 469 P.3d 176, 180 n.6 (2020). We give wide discretion to the trial court in ruling on NRCP 60(b)(1) motions. *Id.* A motion under Rule 60(b) must be made within a reasonable time, and for reasons including mistake, inadvertence, surprise, or excusable neglect under NRCP 60(b)(1), motions must be made “no more than 6 months after the date of the proceeding or the date of service of written notice of entry of the judgment or order, whichever date is later.” NRCP 60(c)(1). The time to file a post-judgment motion under NRCP 60 cannot be extended under NRCP 6(b). *See* NRCP 6(b)(2); NRCP 60(c)(1).

Having reviewed Williams’ informal brief and the record on appeal, we conclude that the district court did not abuse its discretion when it denied Williams’ motion as untimely under NRCP 60(c)(1), as Williams filed her motion over a year after service of the notice of entry of the order granting Wynn’s motion to dismiss. Moreover, Williams has failed to



present any argument to challenge the district court's finding that NRCP 60(b)(1) applied, and therefore, any argument regarding the same has been waived. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that arguments not raised on appeal are deemed waived).<sup>2</sup> Accordingly, we conclude that the district court did not abuse its discretion when it granted the motion and we,

ORDER the judgment of the district court AFFIRMED.<sup>3</sup>

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

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<sup>2</sup>We recognize that our supreme court recently determined that a district court's failure to address and make express written findings regarding the factors set forth in *Yochum v. Davis*, 98 Nev. 484, 486, 653 P.2d 1215, 1216 (1982), *overruled in part by Epstein v. Epstein*, 113 Nev. 1401, 1405, 950 P.2d 771, 773 (1997), in denying a request for NRCP 60(b) relief necessitates the reversal of that decision. *See Willard*, 136 Nev. at 470-71, 469 P.3d at 180. However, given that Williams failed to present any argument urging reversal for failure to address or make findings regarding these factors, *see Powell*, 127 Nev. at 161 n.3, 252 P.3d at 672 n.3, we decline to reverse the challenged order on this basis.

<sup>3</sup>Insofar as Williams raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.

cc: Hon. Susan Johnson, District Judge  
Berthina S. Williams  
Jackson Lewis P.C.  
Eighth District Court Clerk