

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RAYMOND MAX SNYDER,  
Appellant,  
vs.  
LAUARA ANN SNYDER; SHAWN  
MEADOR; SHAY WELLS; AND  
WOODBURN & WEDGE,  
Respondents.

No. 88129-COA

**FILED**

DEC 12 2024

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Raymond Max Snyder appeals from a district court order dismissing his complaint for an independent action pursuant to NRCP 60(d)(3) with prejudice. Fourth Judicial District Court, Elko County; Kriston N. Hill, Judge.

In a prior separate action, Raymond commenced divorce proceedings against respondent Lauara Ann Snyder and Lauara responded by filing an answer and counterclaim for divorce. The district court subsequently entered a divorce decree (original decree) which adjudicated several disputes regarding the status of various businesses, real property, personal items, and vehicles. Raymond appealed the original decree. While the appeal was pending, Raymond filed multiple motions with the district court, which all generally argued he was entitled to a new trial because Lauara and her counsel, respondents Shawn Meador and Shay Wells, committed fraud upon the court. The district court ruled it lacked

jurisdiction to consider Raymond's challenges to the original decree because the pending appeal divested the court of jurisdiction. Subsequently, on October 20, 2022, this court entered an order resolving Raymond's appeal. *Snyder v. Snyder*, Case No. 81887-COA, 2022 WL 12455113 (Nev. Ct. App. Oct. 20, 2022) (Order Affirming in Part, Reversing in Part, and Remanding). The remittitur for this court's decision was received by the district court on December 15, 2022.

Following the issuance of our order resolving the appeal from the divorce decree, Raymond again filed multiple motions before the district court alleging he was entitled to a new trial pursuant to NRCP 60 because Lauara and her counsel engaged in fraud upon the court. On July 6, 2023, the district court overseeing the divorce proceedings issued an order stating it would not rule on the pending motions, nor would it consider any additional filings, until it issued an amended divorce decree addressing the issues identified in this court's October 20th order resolving the appeal.

Raymond then commenced the present action by filing a new complaint for an independent action seeking relief from the original divorce decree in the Fourth Judicial District Court. Raymond's complaint was assigned to a different judge than the judge handling the divorce action. In his complaint, which named Lauara, Meador, Wells, and respondent Woodburn & Wedge as defendants, Raymond requested that the district court set aside the original decree pursuant to NRCP 60 because respondents engaged in fraud upon the court. Meador, Wells, and Woodburn & Wedge filed a motion to dismiss the complaint, which Lauara joined, arguing Raymond's claims were barred by both claim and issue

preclusion and that Raymond's complaint failed to state a claim for which relief could be granted. Respondents argued Raymond raised the fraud allegations in the original proceedings and that the original decree was a final and valid judgment on the merits which precluded Raymond from bringing this new action. Raymond opposed dismissal, arguing NRCP 60 provided a basis for his complaint and again alleged the original decree was the product of fraud upon the court such that he was entitled to a new trial. Respondents replied but did not address Raymond's argument that NRCP 60 provided a basis for an independent cause of action.

On January 26, 2024, the district court entered an order dismissing the underlying action with prejudice. The district court found that Raymond's complaint was "a motion for relief from judgment issued in the companion case to this matter under another name" and thus found his allegations of wrongdoing failed to state a cognizable legal claim pursuant to NRCP 12(b)(5). The district court further found dismissal with prejudice was proper because both claim preclusion and issue preclusion prevented Raymond from reasserting his allegations in the underlying case. Raymond now appeals from the dismissal of his underlying complaint.

An order granting an NRCP 12(b)(5) motion to dismiss is reviewed de novo. *Buzz Stew, LLC v. City of N. Las Vegas*, 124 Nev. 224, 227-28, 181 P.3d 670, 672 (2008). A decision to dismiss a complaint under NRCP 12(b)(5) is rigorously reviewed on appeal, with all alleged facts in the complaint and the attached documents presumed true and all inferences drawn in favor of the plaintiff. *Id.* Dismissing a complaint is appropriate "only if it appears beyond a doubt that [the plaintiff] could prove no set of

facts, which, if true, would entitle [the plaintiff] to relief. *Id.* at 228, 181 P.3d at 672.

Raymond first argues the district court erred by dismissing his case before he could file a motion for summary judgment. But Raymond fails to cogently argue or explain how the court's purported failure to wait for the filing of a motion for summary judgment somehow renders the dismissal order erroneous. Thus, we need not consider this argument. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that this court need not consider claims that are unsupported by cogent arguments).

Raymond next argues the district court failed to apply the correct standard when adjudicating the motion to dismiss because he is proceeding pro se and thus was entitled to a lesser standard. We reject this argument as the district court's order cites the appropriate standards for adjudicating a motion to dismiss. *See Buzz Stew*, 124 Nev. at 227-28, 181 P.3d at 672 (holding that, when evaluating a motion to dismiss the court must take all factual allegations as true and dismiss the complaint only if it appears beyond a doubt that the complaint could prove no set of facts which would entitle it to relief). And to the extent Raymond argues he was entitled to a lower standard due to his pro se status, we reject this contention as pro se parties are generally held to the same standards as other litigants. *See Rodriguez v. Fiesta Palms, LLC*, 134 Nev. 654, 659, 428 P.3d 255, 258-59 (2018) (noting there are no special rules for pro se litigants). Accordingly, we conclude the district court applied the appropriate standard of review.

Raymond's final argument asserts that the dismissal of his case with prejudice was inappropriate. Here, the district court dismissed the case with prejudice based on its conclusion that claim and issue preclusion barred Raymond from reasserting his fraud claims, which it found had been raised in the prior divorce action and had been resolved by the original divorce decree, which it concluded constituted a final judgment for preclusion purposes. But this determination was in error because the original decree was reversed in part and remanded for further proceedings by this court's October 20, 2022, decision resolving Raymond's appeal from the original decree, and in that order specifically provided that Raymond was not precluded from seeking NRCP 60(b) relief based on fraud allegations.

Despite the district court's error in applying preclusion principles to dismiss Raymond's case with prejudice, however, we nevertheless affirm the district court's dismissal with prejudice because, as discussed below, the district court reached the right result, albeit for the wrong reasons. *See Saavedra-Sandoval v. Wal-Mart Stores, Inc.*, 126 Nev. 592, 599, 245 P.3d 1198, 1202 (2010) (noting this court will can affirm a district court's order if the right result was reached, even if for the wrong reason).

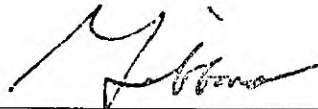
NRCP 60(d) provides a procedural mechanism authorizing a litigant to file an independent action seeking to set aside a final judgment procured by fraud upon the court. However, an independent action for fraud upon the court is available only where a final judgment has previously been entered that the party subsequently seeks to set aside by filing the action

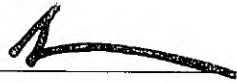
pursuant to NRCP 60(d). *See Pickett v. Comanche Constr. Inc.*, 108 Nev. 422, 426-27, 836 P.2d 42, 45 (1992) (discussing the methods for obtaining relief from a final judgment under the prior version of this rule set forth in NRCP 60(b)); *cf. Barry v. Linder*, 119 Nev. 661, 669, 81 P.3d 537, 542 (2003) (holding that NRCP 60(b) applies only to final judgments), *superseded by rule on other grounds as stated in LaBarbera v. Wynn Las Vegas, LLC*, 134 Nev. 393, 395, 422 P.3d 138, 140 (2018). Given this court's October 20, 2022, reversal in part and remand of the original divorce decree in resolving Raymond's appeal from that decision, the original decree was not a final judgment and thus Raymond could not utilize NRCP 60(d) to set aside the original decree through the filing of an independent action.


Furthermore, at the time Raymond initiated his independent action under NRCP 60(d), he also had pending motions in the divorce action seeking a new trial under NRCP 60 based on his fraud allegations, which the divorce court had stayed until it issued an amended decree. Thus, Raymond attempted to pursue an independent action pursuant to Rule 60(d) while simultaneously pursuing NRCP 60 relief in his divorce action based on the same fraud claims. But our supreme court has recognized that, while a litigant can pursue either an independent action alleging fraud upon the court or file a motion seeking to set aside the judgment in the underlying action on that ground, a litigant cannot pursue both avenues of relief simultaneously. *See NC-DSH, Inc. v. Garner*, 125 Nev. 647, 652-53, 218 P.3d 853, 857 (2009). Thus, because Raymond had pending motions for NRCP 60 relief from the divorce decree, he could not pursue an independent action for NRCP 60(d) relief on the same grounds. *See id.*

Accordingly, for the reasons set forth above, we affirm the district court's order dismissing the complaint for an independent action challenging the original divorce decree with prejudice.<sup>1</sup>

It is so ORDERED.

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

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

  
\_\_\_\_\_, J.  
Westbrook

cc: Hon. Kriston N. Hill, District Judge  
Raymond Max Snyder  
Woodburn & Wedge  
Lauara Ann Snyder  
Elko County Clerk

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<sup>1</sup>Insofar as Raymond raises arguments that are not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief. Additionally, nothing in this court's decision should be taken as barring Raymond from pursuing his requests for NRCP 60 relief in the divorce action related to the amended divorce decree. And finally, we deny all of Raymond's pending requests for relief as either not properly before this court in this appeal or as not providing a basis for relief.