


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

MONICA CURTIS, AN INDIVIDUAL,
Appellant,
vs.
THE JUSTICE COURT OF THE
NORTH LAS VEGAS TOWNSHIP,
CLARK COUNTY, STATE OF NEVADA,
Respondent.

No. 88670-COA

FILED
FEB 19 2025
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Monica Curtis appeals from a district court order granting summary judgment and a post-judgment order denying a motion to set aside judgment. Eighth Judicial District Court, Clark County; Mary Kay Holthus, Judge.

Curtis was previously employed at the North Las Vegas Justice Court (NLVJC) as a legal office specialist. Following the termination of her employment, Curtis filed a civil complaint that generally alleged race and sex discrimination and the failure to timely pay all wages owed. Curtis alleged she did not receive any formal training and was blamed for mistakes that were not her fault or were the result of the poor training. Curtis further alleged her supervisor inappropriately touched her by tapping her shoulder or arm to get her attention and placing her hand on her back during conversations. Furthermore, Curtis alleged her supervisor referred to incorrect or missing filings as "Mexican filings." Curtis reported her

supervisor's behavior but alleged the conduct only worsened. Curtis alleges she continued to report the behavior. According to Curtis, following her raising these concerns, she participated in an annual performance review where NLVJC informed her that her work was unsatisfactory and she had six months to improve. Ultimately, Curtis alleged NLVJC terminated her employment in retaliation for reporting her supervisor's behavior.

Following the close of discovery, NLVJC filed a motion for summary judgment that alleged Curtis's allegations regarding race or sex discrimination arose only after it informed her that her performance was unsatisfactory and that she was unlikely to pass her qualifying period. Further, even assuming Curtis could demonstrate a prima facie case of discrimination, NLVJC asserted that it demonstrated it had non-discriminatory reasons for terminating Curtis's employment, specifically her unsatisfactory job performance. NLVJC also argued it was entitled to discretionary immunity on Curtis's tort claims and that there was no evidence demonstrating it failed to pay Curtis all wages owed. Curtis, who was proceeding pro se, did not file an opposition. The parties appeared at a motion hearing, but the district court did not take argument at that hearing. Ultimately, the district court entered a written order that granted the motion for summary judgment.

Curtis subsequently filed a motion to set aside the judgment pursuant to NRCP 60(b) arguing she failed to file an opposition due to inadvertence or a mistake. Curtis acknowledged she received a copy of NLVJC's motion for summary judgment but believed that, pursuant to EDCR 2.20(e), the party who does not intend to oppose a motion is required

to file the notice of non-opposition. Further, Curtis argued she had evidence that would refute the claims in the motion for summary judgment, although she did not identify the evidence or otherwise dispute the evidence relied upon by the motion for summary judgment. NLVJC opposed the motion, arguing a pro se litigant's ignorance of the law does not protect her from the consequences of failing to file an opposition. Further, NLVJC argued Curtis cannot demonstrate inadvertence or excusable neglect because she acknowledged receipt of the motion for summary judgment, was aware she could file an opposition, and failed to do so. At the motion hearing, Curtis explained she was aware of the motion for summary judgment and understood that Rule 56 stated the motion could be granted if she failed to file an opposition. However, Curtis asserted Rule 56 was confusing and she did not understand what evidence the district court would review when considering a motion for summary judgment. Curtis requested that the district court give her an additional 10 days to prepare an opposition. The district court denied the motion finding Curtis failed to demonstrate a mistake or inadvertence justifying setting aside the judgment pursuant to NRCP 60 because she was aware of the motion for summary judgment, knew she had an option to file an opposition, and failed to do so. Curtis now appeals, challenging both the grant of summary judgment and the denial of her NRCP 60(b) motion.

On appeal, Curtis first argues the district court erred by failing to consider the discovery documents Curtis electronically served on NLVJC during the discovery period and likewise failed to take all appropriate action that could have been permitted by Rule 56 in granting summary judgment

to NLVJC. Curtis further argues NLVJC failed to support its motion with admissible evidence.

Generally, this court reviews a district court's order granting summary judgment de novo. *Wood v. Safeway, Inc.*, 121 Nev. 724, 729, 121 P.3d 1026, 1029 (2005). But given her failure to oppose NLVJC's motion for summary judgment below, to the extent Curtis's informal brief sets forth arguments challenging the district court's grant of the motion for summary judgment, those arguments are improperly raised for the first time on appeal and will thus not be considered. *See Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) ("A point not urged in the trial court, unless it goes to the jurisdiction of that court, is deemed to have been waived and will not be considered on appeal."). Moreover, because Curtis has largely failed to challenge or address the actual grounds on which the district court granted summary judgment, she has likewise waived any challenge to the same. *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). Accordingly, we affirm the district court's order granting summary judgment.

Curtis next argues the district court erred by failing to set aside the judgment via her NRCP 60(b) motion due to her mistaken understanding of NRCP 56. Specifically, Curtis argues that the district court failed to consider her arguments on this point.


"The district court has wide discretion to grant or deny a motion to set aside a judgment under NRCP 60(b), and its determination will not be disturbed on appeal absent an abuse of discretion." *Vargas v. J Morales*

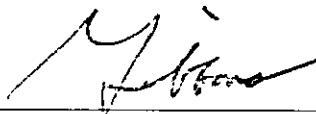
Inc., 138 Nev. 384, 387, 510 P.3d 777, 780 (2022). Here, Curtis’s argument does not provide a basis for relief because a review of the hearing transcript reveals the district court did consider Curtis’s argument that she misunderstood Rule 56 before properly rejecting it because pro se litigants are required to comply with procedural requirements. *See Bonnell v. Lawrence*, 128 Nev. 394, 404, 282 P.3d 712, 718 (2012) (holding the rules of civil procedure “cannot be applied differently merely because a party not learned in the law is acting pro se”).

Finally, Curtis argues the district court was biased because it instructed NLVJC to draft the proposed orders in this matter. The Nevada Supreme Court has recognized that a district court may properly adopt a party’s proposed order, provided that the opposing party is given the chance to approve the order and an opportunity to respond to that order. *See Byford v. State*, 123 Nev. 67, 69, 156 P.3d 691, 692 (2007) (discussing the predecessor to Nevada Code of Judicial Conduct (NCJC) Cannon 2, Rule 2.6(a), which was substantively identical to the present rule); *see also Eivazi v. Eivazi*, 139 Nev., Adv. Opp. 44, 537 P.3d 476, 482-83 (Ct. App. 2023). Curtis does not argue on appeal that she did not have an opportunity to respond to NLVJC’s proposed order prior to the district court’s adoption. Further, a review of the record reveals that NLVJC provided Curtis with the proposed order prior to its submission, but Curtis failed to respond or object to its adoption. Accordingly, we conclude Curtis failed to demonstrate the district court was biased by directing NLVJC to draft the proposed

order.¹ As a result, we likewise affirm the district court's denial of Curtis's motion for NRCP 60(b) relief.

It is so ORDERED.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Mary Kay Holthus, District Judge
Monica Curtis
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

¹Insofar as Curtis 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.