


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

AMY C. LUCIANO A/K/A AMY HANLEY
A/K/A AMY HANLEY LUCIANO A/K/A
COLLEEN A. LUCIANO,
Appellant,
vs.
THE STATE BAR OF NEVADA,
Respondent.

No. 87859-COA

FILED

APR 15 2025

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

ORDER OF AFFIRMANCE

Amy Luciano appeals from a district court order denying her motion to set aside a default judgment and dissolve an injunction. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

On April 21, 2021, respondent the State Bar of Nevada (SBN) filed a complaint against Luciano, which alleged she was engaging in the unauthorized practice of law by misrepresenting herself as an attorney. The complaint further alleged Luciano charged clients to prepare legal filings, filed documents on her clients' behalf, and attempted to appear at district court hearings. SBN subsequently filed an affidavit of service which averred that Luciano was personally served at her home on April 24, 2021. Luciano failed to file an answer or responsive pleading and SBN subsequently sought, and received, an entry of default. SBN then filed a seven-day notice of intent to take default judgment pursuant to NRCP 55(b). In requesting the default judgment, SBN sought injunctive relief prohibiting Luciano from engaging in the unauthorized practice of law and sought \$380.10 in costs. Luciano did not respond to the notice of intent to take default judgment, nor did she appear at the April 5, 2022, hearing on

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the motion. Following the hearing, at which SBN presented evidence supporting the allegations in the complaint, the district court entered a default judgment enjoining Luciano from engaging in the unauthorized practice of law and awarding SBN \$380.10 in costs.

On December 4, 2022, Luciano filed a motion to set aside the default judgment and dissolve the injunction. Luciano claimed she learned of the complaint on November 16, 2022, when she contacted Department 22 and spoke to the law clerk in that department. Luciano argued the judgment should be set aside because she did not engage in the unauthorized practice of law as she was employed by a nonprofit organization, was previously supervised by various attorneys, and was working as a “legal consultant.” Luciano acknowledged accepting payment for her work but denied referring to herself as an attorney. Further, Luciano alleged she was not properly served with the complaint because the affidavit of service identified “Amy C. Luciano” instead of “Amy Luciano.” SBN opposed the motion, arguing that Luciano was personally served and was previously aware of the complaint, but elected not to appear or otherwise defend herself. SBN attached to its opposition a March 4, 2022, email purportedly from Luciano referencing the complaint. SBN additionally attached its response to the email, which reminded Luciano that a hearing on its request for default judgment was scheduled for April 5, 2022. Luciano did not file a reply brief but did file an ex parte motion to strike SBN’s opposition. In that filing, Luciano denied sending the March 4, 2022, email and claimed her ex-husband had access to the e-mail account.

The district court set a hearing on Luciano’s motion. The day before the hearing, Luciano filed an ex-parte motion to continue the hearing because she had yet to review the department’s guidelines for hearings. The

district court denied the motion and held a hearing on Luciano's motion. Despite the denial of the extension request, Luciano's informal opening brief indicates she appeared at the hearing via Bluejeans and the court minutes likewise reflect that she attended the hearing and presented argument. The district court subsequently entered an order denying the motion to set aside the default judgment and dissolve the injunction. This appeal followed.

We review an order denying a motion to set aside a default judgment for an abuse of discretion. *Landreth v. Malik*, 127 Nev. 175, 188, 251 P.3d 163, 171 (2011). "An abuse of discretion occurs if the district court's decision is arbitrary or capricious or if it exceeds the bounds of law or reason." *Skender v. Brunsonbuilt Constr. & Dev. Co.*, 122 Nev. 1430, 1435, 148 P.3d 710, 714 (2006) (quotation marks omitted).

On appeal, Luciano argues the district court abused its discretion by denying her motion to set aside the default judgment and dissolve the injunction because service of the complaint was improper. In her informal opening brief, Luciano now acknowledges that a process server came to her home on April 24, 2021, to serve the complaint and that her teenage son opened the door. Luciano asserts she observed her son accept the service paperwork before stepping between her son and the process server to inform the process server that service was improper. Luciano further acknowledges she contacted SBN to inform it that service was improper.

We conclude Luciano waived her argument regarding service because she failed to raise it before the district court. *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."). Before the

district court Luciano argued that service was improper because the affidavit identified the person being served as “Amy C. Luciano” as opposed to Amy Luciano. (Emphasis added.) But Luciano did not argue service was improper because the process server initially handed the paperwork to her teenage son as she does on appeal. Because she did not raise this issue below, we conclude it is waived and thus we affirm the order denying her motion to set aside the default and dissolve the injunction.¹ *See id.*

It is so ORDERED.²


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

¹Insofar as Luciano 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.

²Luciano filed a notice that she is challenging the constitutionality of NRS 7.285 and NRS 7.275 as well as an amended notice challenging the same. Neither Luciano’s opening brief nor her notice filings provide any argument regarding the constitutionality of these statutes and thus we decline to consider her challenge to these statutes. *See Bongiovi v. Sullivan*, 122 Nev. 556, 569 n.5, 138 P.3d 433, 443 n.5 (2006) (issues not raised in an appellant’s opening brief are deemed waived); *see also 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). To the extent Luciano has submitted any other requests for relief that are currently pending as part of this appeal, those requests are denied.

cc: Hon. Susan Johnson, District Judge
Amy C. Luciano
State Bar of Nevada/Las Vegas
State Bar of Nevada/Reno
Eighth District Court Clerk