

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NYE COUNTY, EMPLOYER; AND
ALTERNATIVE SERVICE CONCEPTS,
LLC, INSURER FOR THE EMPLOYER,
Appellants,
vs.
WENDY AMLAND,
Respondent.

No. 87952-COA

FILED

FEB 02 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Elizabeth A. Brown*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Nye County and Alternative Service Concepts, LLC, appeal from a district court order denying NRCP 60(b) relief following the granting of a petition for judicial review in a workers' compensation matter. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Respondent Wendy Amland, an evidence technician for Nye County, initiated workers' compensation claims in 2014. Nye County's insurer denied her claims, and an appeals officer reversed that determination and ruled in her favor. The district court denied Nye County's petition for judicial review, and this court affirmed that denial and upheld the appeals officer's determination. *Nye County v. Amland*, No. 75647-COA, 2019 WL 6245836 (Nev. Ct. App. Nov. 21, 2019) (Order of Affirmance).

Alternative Service Concepts, LLC, Nye County's third-party administrator (TPA), later suspended Amland's temporary total disability benefits based on a failure to attend an independent medical examination, and notified her it was closing her claim. Amland appealed that determination and a hearing officer reversed and remanded the matter for

her suspended benefits to be reinstated. Appellants appealed to an appeals officer, who ultimately affirmed the TPA's suspension of Amland's temporary total disability benefits but reversed the determination to close her claim.

Amland timely filed a petition for judicial review and mailed it to appellants' attorney. The record reveals various status checks were held on the matter in the district court, but appellants did not appear. Amland filed an opening brief, and appellants did not respond. The district court thereafter entered a written order granting Amland's petition. Notice of the entry of order was filed on September 1, 2023, and the certificate of mailing shows it was sent to the appeals division and appellants' attorney.

Nearly two months later, on October 31, 2023, appellants filed a motion to vacate the order granting judicial review pursuant to NRCP 60(b)(6), arguing relief was warranted because they were not served and did not have notice of the district court proceedings and requesting a remand to the appeals officer to determine Amland's periods of eligibility for benefits. Amland filed an opposition, and the district court denied appellants' NRCP 60(b) motion, noting appellants failed to appear at the hearing on the motion and concluding that relief was unwarranted. This appeal followed.

On appeal, appellants primarily challenge the district court order granting Amland's petition for judicial review. However, we lack jurisdiction to consider that order because appellants did not file a timely notice of appeal from it. *See* NRAP 4(a)(1) (requiring a notice of appeal to be filed within 30 days after written notice of entry of a judgment). Moreover, jurisdiction over that order does not vest as a result of appellants' NRCP 60(b) motion because that motion was filed more than 28 days after service of written notice of the entry of the order granting Amland's petition

and, therefore, did not operate to toll the timeframe for appealing it. See NRAP 4(a)(5)(A)(v) (designating NRCP 60(b) motions as tolling motions if filed within 28 days after service of written notice of entry of the judgment or order). Appellants do not assert on appeal that some exception to this rule applies in this matter. As such, they have forfeited any argument on this point, and we need not address it. See *Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (explaining that issues not raised on appeal are deemed forfeited).

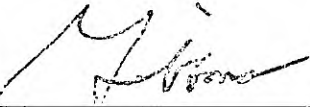
Consequently, our review is limited to the denial of appellants' NRCP 60(b) motion. Courts have wide discretion to resolve a motion to set aside a judgment under NRCP 60(b). *Rodriguez v. Fiesta Palms, LLC*, 134 Nev. 654, 656, 428 P.3d 255, 257 (2018). NRCP 60(b) contains a catchall provision allowing a court to relieve a party from a final judgment, order, or proceeding for "any other reason that justifies relief." NRCP 60(b)(6). Our supreme court has held that relief under the catchall provision is only warranted in extraordinary circumstances. *Vargas v. J Morales, Inc.*, 138 Nev. 384, 388-89, 510 P.3d 777, 781 (2022).

Appellants provide a cursory argument that further proceedings before the appeals officer are required to comply with the district court order granting the petition and, in so doing, appear to suggest that the court erred by denying their request for a remand. To the extent this argument can be construed as a challenge to the district court's decision to reject their motion for NRCP 60(b) relief, appellants do not present cogent argument and relevant authority concerning that decision. As a result, we need not consider that issue. See *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (explaining that this

court need not consider an appellant's argument that is not cogently argued or lacks the support of relevant authority). In light of the foregoing, we

ORDER the judgment of the district court AFFIRMED.¹


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Kathleen E. Delaney, District Judge
Larry J. Cohen, Settlement Judge
Lynne & Associates
Nevada Attorney for Injured Workers/Las Vegas
Moss Berg Injury Lawyers
Eighth District Court Clerk

¹We note that while appellants argued in their NRCP 60(b) motion that they were not served and did not have notice of the proceedings in the district court, they have raised no argument on appeal concerning this issue. As such, they have forfeited any argument on this point, and we need not address it. *See Powell*, 127 Nev. at 161 n.3, 252 P.3d at 672 n.3.