

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

SHEENA HOLDEN,  
Appellant,  
vs.  
CROWN ASSET MANAGEMENT, LLC,  
Respondent.

No. 89489-COA

**FILED**

FEB 03 2026

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

*ORDER OF AFFIRMANCE*

Sheena Holden appeals from a district court order granting summary judgment and denying a post-judgment motion for NRCP 59 and 60(b) relief. Eighth Judicial District Court, Clark County; Susan Johnson, Judge.

Respondent Crown Asset Management, LLC (Crown Asset), filed a complaint against Holden, alleging she failed to timely repay a note for a debt of \$29,276.92. Crown Asset then filed an affidavit of service indicating that the complaint and summons were personally served on Holden at her residence on Tulip Bulb Street. Holden, in proper person, filed a document titled "Reply to Summons" responding to the complaint. She attached an envelope as proof of certified mail of the document, which listed her return address as an address on South Fort Apache Road. Holden separately filed a counterclaim against Crown Asset and listed the Tulip Bulb residential address as her address in the top corner of the filing. However, the certificate of mailing of the counterclaim listed her address as the Fort Apache Road address. Holden also attached two envelopes as proof of certified mail, which listed her return address as the same Fort Apache Road address.

Thereafter, Crown Asset moved for summary judgment. Crown Asset asserted that it had served requests for admission on Holden and that Holden failed to timely respond to Crown Asset's requests for admission. Thus, as a result of Holden's failure to respond, Crown Asset argued the requests for admission were deemed admitted, such that it was undisputed that Holden entered into a note, failed to perform the obligations under the terms of the note, and therefore was indebted to Crown Asset. Accordingly, Crown Asset argued that no genuine dispute of material fact remained. The certificate of service to the motion indicated that Crown Asset mailed a copy of the motion to Holden's Fort Apache Road address. The matter was set for a hearing, and the notice of hearing was also mailed by Crown Asset to Holden's Fort Apache Road address. Subsequently, the district court issued a minute order granting the motion for summary judgment on the grounds that no opposition was filed and instructed Crown Asset to prepare and submit a proposed order to the court.

However, before any written order granting summary judgment was entered, Holden filed a motion to set aside the judgment arguing that the district court made an error of law and Holden should be granted a new trial pursuant to NRCP 59 or alternatively, judgment should be set aside pursuant to NRCP 60(b)(1) for mistake, inadvertence, surprise, or excusable neglect; 60(b)(3) for fraud because Crown Asset intentionally did not properly serve Holden with the summary judgment motion or notice of hearing; or 60(b)(4) as the judgment was void for invalid service. The motion asserted that Crown Asset intentionally served her at the Fort Apache Road address instead of the Tulip Bulb Street address, when the Tulip Bulb Street address was the proper address listed with the district court as her address of record. Holden submitted an affidavit to the motion,

in which she acknowledged that she has a mailbox at a mailbox store on Fort Apache Road which she used to receive packages, but she asserted that she does not check the mailbox store regularly, nor does she receive notice when mail arrives. The motion asserted that Holden was going to file an opposition to the motion for summary judgment, but before she could do so, the court had issued its minute order granting Crown Asset's motion for summary judgment.

The district court then entered its written order granting summary judgment, finding that Holden had been properly served, that there was no genuine dispute of material fact, and that Crown Asset was entitled to judgment as a matter of law. Crown Asset subsequently filed an opposition to Holden's motion to set aside the judgment, arguing that it properly served Holden at the Fort Apache Road address, which she had used throughout the litigation on her proofs of certified mailing. Crown Asset argued that Holden acquiesced to receipt of notices at the Fort Apache Road address since she used it in a certificate of mailing and her proofs of service, and Crown Asset also observed that in her affidavit Holden conceded that she had a mailbox at the store at the Fort Apache Road address and would use that address to receive packages. Crown Asset further asserted that Holden's motion failed to state a meritorious defense justifying setting aside the judgment.

The district court held a hearing and continued the matter for the parties to file supplemental briefing concerning whether Holden had a meritorious defense to support her motion for NRCP 60(b) relief. Thereafter, rather than filing a supplemental brief, Holden filed an opposition to the motion for summary judgment and countermotion to dismiss, or alternatively for summary judgment. Holden argued that the

motion for summary judgment was never properly served on her, and she disputed the merits of Crown Asset's complaint. In reply, Crown Asset asserted that Holden was properly served and she failed to object or respond to the requests for admission. Crown Asset further asserted that Holden failed to raise a meritorious defense to justify setting aside the summary judgment. During the follow-up hearing on the matter, the district court ultimately determined that Holden created the confusion regarding her address and failed to respond to the requests for admission. To the extent Holden had raised arguments disputing the allegations contained in Crown Asset's complaint, the court found that she failed to set forth any of these defenses when she responded to the complaint. Thereafter, the district court entered a written order denying the motion to set aside, due to Holden's failure "to set forth a valid legal basis upon which to set aside the judgment entered herein." This appeal follows.

On appeal, Holden argues that the district court entered a void order of summary judgment because Crown Asset did not properly serve its motion for summary judgment. Holden further argues that the court abused its discretion by refusing to set aside its judgment due to the improper service. Conversely, Crown Asset argues that the court's grant of summary judgment was appropriate and the motion to set aside was properly denied because both the motion for summary judgment and the notice for hearing were properly served on Holden at an address that she was using throughout the litigation.

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). However, we review a district court's decision to grant a motion for summary judgment as unopposed, even after an untimely

opposition was filed, for an abuse of discretion. *King v. Carlidge*, 121 Nev. 926, 926-27, 124 P.3d 1161, 1162 (2005). “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) (internal quotation marks omitted).

The record supports the district court’s conclusion that Holden failed to timely oppose the motion for summary judgment. The record demonstrates that Holden was served with Crown Asset’s motion for summary judgment, which contained a certificate of service indicating she was mailed a copy by United States mail at the Fort Apache Road address she listed as her address on various filings in this case. Thus, service of the motion for summary judgment was complete upon mailing. See NRCP 5(b)(2)(C) (providing that service of a document is complete upon the mailing of a copy of the document to the appropriate party’s last known address). Where, as here, a party fails to present his or her timely opposition to a motion, that “[f]ailure . . . may be construed as an admission that the motion is meritorious and a consent to granting the same.” DCR 13(3). While Holden asserts that the district court should have determined that Crown Asset failed to properly serve her with the motion for summary judgment, we conclude she does not demonstrate that the district court’s decision to grant the motion for summary judgment based on her failure to timely oppose it was arbitrary or capricious or exceeded the bounds of law or reason. See *King*, 121 Nev. at 928, 124 P.3d at 1163 (affirming a summary judgment due to a party’s tardy opposition). Accordingly, Holden is not entitled to relief on this basis.

Next, Holden argues on appeal that the district court erred in denying her post-judgment motion pursuant to NRCP 59 and NRCP 60(b). We review a district court's denial of an NRCP 60(b) motion for an abuse of discretion and will uphold the district court's decision to deny an NRCP 60(b) motion if sufficient evidence in the record supports that decision. *Kahn v. Orme*, 108 Nev. 510, 513, 835 P.2d 790, 792 (1992), *overruled on other grounds by Epstein v. Epstein*, 113 Nev. 1401, 1405, 950 P.2d 771, 773 (1997); *Smith v. Smith*, 102 Nev. 110, 111-12, 716 P.2d 229, 230 (1986) (recognizing that this court will uphold the decision of the district court granting or denying an NRCP 60(b) motion if there is sufficient evidence in the record to support the decision). We also review an NRCP 59(e) motion for an abuse of discretion. *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 589, 245 P.3d 1190, 1197 (2010). When reviewing for an abuse of discretion, this court will uphold a district court's decision that falls within a broad range of permissible conclusions. *See Leavitt v. Siems*, 130 Nev. 503, 509, 330 P.3d 1, 5 (2014) ("An abuse of discretion occurs when no reasonable judge could reach a similar conclusion under the same circumstances."). NRCP 60 allows the district court to set aside a final order for various reasons, including mistake or excusable neglect; fraud, misrepresentation, or misconduct by an opposing party; or a void judgment. NRCP 60(b)(1), (3), (4). The district court may grant a new trial pursuant to NRCP 59 for several reasons, including if there was an abuse of discretion that deprived either party of a fair trial, misconduct, or accident or surprise. NRCP 59(a)(1)(A), (B), (C). Additionally, the aggrieved party's substantial rights must have been materially affected to warrant a new trial. NRCP 59(a)(1).

Here, the district court determined Holden was not entitled to setting aside the order granting summary judgment, as she did not demonstrate that the decision to grant summary judgment was erroneous. Holden asserts that the motion for summary judgment was not properly served on her, and thus, the district court should have set the summary judgment aside. However, we are not persuaded by this argument, because as noted above, the motion for summary judgment was properly served on her at the address that she used throughout the litigation. *See Eivazi v. Eivazi*, 139 Nev. 408, 429, 537 P.3d 476, 494 (Ct. App. 2023) (“The doctrine of ‘invited error’ embodies the principle that a party will not be heard to complain on appeal of errors which he himself has introduced or provoked the court or the opposite party to commit. It has been held that for the doctrine of invited error to apply it is sufficient that the party who on appeal complains of the error has contributed to it.”); *cf. Durango Fire Prot., Inc. v. Troncoso*, 120 Nev. 658, 663, 98 P.3d 691, 694 (2004) (declining to set aside a judgment on excusable neglect grounds after rejecting a party’s claimed lack of knowledge of a scheduled hearing when notice of the hearing was mailed to the party’s address of record).

Therefore, because Holden failed to demonstrate mistake or excusable neglect; fraud, misrepresentation, or misconduct by an opposing party; or a void judgment, we perceive no abuse of discretion in the district court’s denial of her motion to set aside the summary judgment. To the extent Holden argues that the same circumstances justifying NRCP 60(b) relief also justify NRCP 59 relief because Crown Asset knew that it had improperly served its motion for summary judgment at the wrong address, we are likewise not persuaded. Thus, based on our conclusions regarding

the denial of Holden's NRCP 60(b) relief, we conclude that the district court properly denied Holden's request for a new trial, pursuant to NRCP 59.<sup>1</sup>

Accordingly, we

ORDER the judgment of the district court AFFIRMED.

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

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

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

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<sup>1</sup>To the extent Holden contends the district court improperly failed to consider her opposition to Crown Asset's motion for summary judgment, which she filed in lieu of a supplemental brief addressing whether she had a meritorious defense to summary judgment to support her request for NRCP 60(b) relief, any error was harmless. *See Wyeth v. Rowatt*, 126 Nev. 446, 465, 244 P.3d 765, 778 (2010) (explaining that, to establish an error is not harmless and reversal is warranted, "the movant must show that the error affects the party's substantial rights so that, but for the alleged error, a different result might reasonably have been reached"); *cf.* NRCP 61 ("At every stage of the proceeding, the court must disregard all errors and defects that do not affect any party's substantial rights."). Indeed, while the district court did not evaluate Holden's filed opposition to determine whether she had a meritorious defense to Crown Asset's original arguments in support of summary judgment, she had the opportunity to address that issue at the follow-up hearing. Regardless, the district court properly denied Holden's motion to set aside the summary judgment against her based on her failure to oppose Crown Asset's underlying motion for the reasons discussed above.

cc: Hon. Susan Johnson, District Judge  
James A. Kohl, Settlement Judge  
Senior Counsel, LLC  
Faber and Brand, LLC  
McDonald Law Group  
Eighth District Court Clerk