

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

CHRISTY KAY SWEET, AN
INDIVIDUAL,
Appellant,
vs.
DAVID C. JOHNSON AND RYAN D.
JOHNSON OF JOHNSON & JOHNSON
LAW OFFICES,
Respondents.

No. 90239-COA

FILED

FEB 03 2026

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

ORDER OF AFFIRMANCE

Christy Kay Sweet appeals from a district court order denying a post-judgment motion for relief under NRCP 60(b) to set aside an order granting summary judgment. Eighth Judicial District Court, Clark County; Mark R. Denton, Judge.

In March 2023, Sweet filed a complaint against respondents David C. Johnson and Ryan D. Johnson of Johnson & Johnson Law Offices (respondents). Sweet asserted that respondents represented her in litigating a challenge to the will Sweet's mother executed in Portugal. She claimed that they were negligent in their representation. Respondents answered and later filed an individual case conference report on February 19, 2024. They disclosed witnesses and documents who were likely to have information relevant to the matter. They indicated that they served their initial disclosures on January 29, 2024, and that the parties set the initial disclosure deadline for April 6, 2024, and had agreed to close discovery on July 15, 2024.

Sweet filed an individual case conference report on February 20, 2024. She disclosed her property attorney in Portugal as a person containing possible discovery. Sweet indicated that the deadline for her initial disclosures pursuant to NRCP 16.1(a)(1) was February 27, 2024. The district court adopted the initial disclosure and discovery deadlines in its discovery scheduling order.

On July 15, 2024, Sweet filed an appendix of exhibits that included her mother's will executed in Portugal, two translations of the will, documentation from one of the translators indicating she was not certified in translations and that the certified translation applied to assets in Portugal, and excerpts of briefing from the underlying probate claim. Sweet also filed a "disclosure statement" in which she generally argued that respondents were negligent in how they challenged her mother's will.

Respondents moved for summary judgment on August 14, 2024. They asserted that (1) Sweet never made the required initial disclosures and did not disclose any evidence in discovery, (2) Sweet did not disclose an expert to establish a breach of the standard of care, and (3) Sweet's cause of action is barred by judgmental immunity. In support of their motion, respondents filed documents related to the probate litigation, the district court decisions, this court's opinion affirming the district court's decision, several filings in this case, and Sweet's case conference report. Sweet did not file an opposition to the motion for summary judgment.

The district court thereafter granted summary judgment in favor of respondents on October 4, 2024. The court determined that Sweet had not made initial disclosures or disclosed a duty of care expert. Primarily though, the court determined that Sweet failed to respond to the motion for summary judgment and therefore she did not demonstrate any

genuine dispute of material fact existed as to whether respondents breached their duty of care resulting in damages suffered by Sweet. The district court further concluded that the tactics Sweet challenged were a matter of discretion and that the judgmental immunity rule provided respondents with a complete defense.

On October 17, 2024, Sweet filed “(I) Motion to Reconsider Order Granting Dismissal of Complaint; (II) Opposition Answer to Defendant Motion to Dismiss.” She acknowledged that she was confused by the applicable filing requirements, submitted some filings as emails to the defendants, and tried to file via the court website and mail. Sweet claimed that the order granting summary judgment contained incorrect facts about the underlying probate case. She also claimed that the district court erred in concluding that she had not made her initial disclosures or provided any evidence by indicating she filed an index of exhibits.

Respondents opposed the motion. They asserted that Sweet raised arguments that should have been raised in prior pleadings and are not properly raised in a motion for reconsideration. Respondents contended that Sweet lacked any cognizable basis for reconsideration and was also not entitled to NRCP 60(b)(1) relief. Additionally, they urged the district court to reject Sweet’s motion because she did not respond to the motion for summary judgment and thus conceded it was meritorious under EDCR 2.20(e). They asserted that Sweet frustrated the policy of adjudicating on the merits by failing to make discovery and expert disclosures.

At the hearing concerning her motion, Sweet acknowledged that she made mistakes in procedure. She hoped the court would overlook those failures because she was proceeding pro se. Sweet also stated her

belief that she had filed something in relation to the summary judgment motion.

The district court subsequently denied Sweet's motion. It noted that summary judgment was granted for respondents primarily because Sweet did not respond to that motion. The district court further found that Sweet, in her motion to reconsider, did not assert newly discovered facts or indicate that the court overlooked facts or misapprehended the law. She also failed to address any factors related to NRCP 60(b)(1) relief. And the district court noted in its prior determinations that Sweet did not meet the deadlines for filing an expert disclosure, conducting discovery, or responding to the motion for summary judgment, and that she accordingly failed to demonstrate reconsideration of that decision was warranted. In light of the foregoing, the district court denied Sweet's motion. This appeal followed.

Preliminarily, Sweet appears to challenge the district court's decision to grant summary judgment in favor of respondents, contending that her procedural mistakes should have been excused by the district court because she was proceeding pro se and lacks access to legal assistance. Sweet also asserts her case should be addressed because it is in the public interest.

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 based on the district court rules due to a failure to oppose for an abuse of discretion. *King v. Cartlidge*, 121 Nev. 926, 926-27, 124 P.3d 1161, 1162 (2005); *see also Las Vegas Fetish & Fantasy Halloween Ball, Inc. v. Ahern Rentals, Inc.*, 124 Nev. 272, 278 &

n.15, 182 P.3d 764, 768 & n.15 (2008) (reviewing a district court decision to grant a motion pursuant to EDCR 2.20(b) (now EDCR 2.20(e)) for an abuse of discretion). “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 Sweet failed to oppose the motion for summary judgment. *See* EDCR 2.20(e) (“Failure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.”). And, while Sweet asserts the district court should have excused her procedural mistakes, we conclude she does not demonstrate that the district court’s decision to grant the motion for summary judgment based on her failure to oppose it was arbitrary or capricious or exceeded the bounds of law or reason. Accordingly, Sweet is not entitled to relief.

Next, Sweet argues on appeal that the district court erred in denying her post-judgment motion. 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). NRCP 60 allows the district court to set aside a final order for various reasons,

including mistake or excusable neglect; newly discovered evidence that, with reasonable diligence could not have been discovered in time to move for a new trial; or fraud, misrepresentation, or misconduct by an opposing party. NRCP 60(b)(1), (2), (3). We also review a district court's decision to deny a motion for reconsideration for abuse of discretion. *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 589, 245 P.3d 1190, 1197 (2010). “Reconsideration may be appropriate where a party introduces substantially different evidence or the court’s decision is clearly erroneous.” *Saticoy Bay, LLC v. Thornburg Mortg. Sec. Tr. 2007-3*, 138 Nev. 335, 344, 510 P.3d 139, 146 (2022).

We conclude Sweet fails to demonstrate the district court abused its discretion by denying her motion for reconsideration or for NRCP 60(b) relief. As stated previously, the district court determined Sweet was not entitled to reconsideration of the order granting summary judgment, as she did not assert there were newly discovered facts or demonstrate that the decision was erroneous. The court also determined that Sweet failed to address any factors related to NRCP 60(b)(1) relief. Sweet does not address the district court’s reasoning in denying the motion for reconsideration¹ or NRCP 60(b) relief nor does she dispute the findings supporting that reasoning. Thus, Sweet has forfeited any arguments related to the same and we need not consider them. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (stating that issues not

¹We note that we can consider the district court’s decision to deny Sweet’s request for reconsideration in the context of this appeal from the denial of NRCP 60(b) relief, as the district court considered the motion on the merits and the motion and the order denying it are a proper part of the record on appeal. *See Arnold v. Kip*, 123 Nev. 410, 416-17, 168 P.3d 1050, 1054 (2007).

raised on appeal are deemed forfeited). Therefore, we conclude that Sweet is not entitled to relief.

Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Mark R. Denton, District Judge
Christy Kay Sweet
Wilson, Elser, Moskowitz, Edelman & Dicker, LLP/Las Vegas
Eighth District Court Clerk

²Insofar as Sweet raises arguments not specifically addressed in this order, we have considered them and conclude that they are either without merit or need not be reached given our disposition in this appeal.