

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

RICARDO FOJAS,
Appellant,
vs.
QUALITY LOAN SERVICE
CORPORATION; AND U.S. BANK
TRUST NATIONAL ASSOCIATION,
NOT IN ITS INDIVIDUAL CAPACITY
BUT SOLELY AS OWNER TRUSTEE
FOR VRMTG ASSET TRUST,
Respondents.

No. 89607-COA

FILED

MAR 18 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
DEPUTY CLERK

ORDER OF AFFIRMANCE

Ricardo Fojas appeals from a district court post-judgment order granting a motion for relief pursuant to NRCP 60(b)(1) and directing the issuance of foreclosure certificate in a foreclosure mediation matter. Eighth Judicial District Court, Clark County; Jerry A. Wiese, Chief Judge.

This appeal arises from Fojas's petition for foreclosure mediation assistance. Following the filing of the petition, the matter was assigned to Nevada's Foreclosure Mediation Program and mediation was scheduled for July 2024. Respondent Quality Loan Service Corp. (Quality Loan) appeared for the mediation, but Fojas failed to appear. The mediator subsequently filed a mediator's statement with the district court which stated that Fojas had failed to appear at the mediation and likewise failed to exchange the required documentation. However, instead of selecting the box stating a certificate to foreclose should issue, the mediator mistakenly selected the box stating a certificate should not issue. In August 2024, after no objection to the mediator's statement was filed within the time for doing

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so, the district court issued an order consistent with the mediator's statement and ordered that a certificate shall not issue.

A week later, the mediator filed an amended mediator's statement which stated that he mistakenly selected the incorrect box and that he had intended to select the option stating a certificate should issue due to Fojas's failure to participate in the mediation. In early September, the mediator filed a second amended mediator's statement which again confirmed that the mediator mistakenly selected the wrong option and that a certificate should issue. In late September, Quality Loan brought a motion styled as a motion to alter or amend the August order. Quality Loan argued the district court should set aside the August order pursuant to NRCP 60(b)(1) because it was based upon the mediator's mistake. Quality Loan further argued the *Yochum*¹ factors supported setting aside the August order. Fojas filed an opposition which argued that the motion was untimely, that he tried to reschedule the mediation hearing, and that mediation should be stayed temporarily while the parties attempted to reach an agreement for repayment to avoid foreclosure. Quality Loan filed a reply, and the parties proceeded to a hearing.

Following the hearing, the district court found that Quality Loan's motion was timely and that a review of the *Yochum* factors favored granting the motion. The court then granted the motion finding that its prior order stating a certificate would not issue was mistaken and ordering that it would adopt the second amended mediator's statement and a certificate should now issue. This appeal followed.

¹*Yochum v. Davis*, 98 Nev. 484, 486, 653 P.2d 1215, 1216 (1982), overruled on other grounds by *Epstein v. Epstein*, 113 Nev. 1401, 1405, 950 P.2d 771, 773 (1997).

“The district court has wide discretion in deciding whether to grant or deny a motion to set aside a judgment under NRCP 60(b).” *Stoecklein v. Johnson Elec., Inc.*, 109 Nev. 268, 271, 849 P.2d 305, 307 (1993). “NRCP 60(b)(1) provides that a district court may relieve a party or its legal representative from a final judgment, order, or proceeding based on a finding of mistake, inadvertence, surprise, or excusable neglect.” *Willard v. Berry-Hinckley Indus.*, 136 Nev. 467, 470, 469 P.3d 176, 179 (2020) (internal quotation marks and emphasis omitted).

On appeal, Fojas argues the district court abused its discretion by granting the motion because it was untimely. Fojas contends the motion was brought pursuant to NRCP 59 and subsection (b) of that rule requires any such motion be brought within 28 days after entry of the notice of judgment. Quality Loan contends the motion was brought pursuant to NRCP 60(b)(1) and under NRCP 60(c)(1), such a motion must be brought within a reasonable time but no more than six months after the written notice of entry of judgment or order.

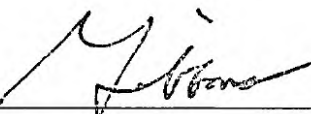
Having reviewed the motion, we conclude the district court did not abuse its discretion in finding the motion was timely. Quality Loan’s motion sought relief pursuant to NRCP 60(b)(1), and the court’s order granted relief pursuant to NRCP 60(b)(1). Therefore NRCP 60(c)(1)’s timing requirements apply. Pursuant to NRCP 60(c)(1), a moving party must bring their motion within a reasonable time. Here, Quality Loan brought its motion within two months after the August order was filed, one month after the first amended mediator’s statement issued, and less than three weeks after the second amended mediator’s statement issued. Thus, we conclude the district court did not abuse its discretion in finding that Quality Loan’s motion was brought within a reasonable time and was thus timely. *See*

Stoecklein, 109 Nev. at 271-72, 849 P.2d at 308 (noting that the moving party's motion was timely because it was brought thirty-five days after the judgment was entered). Further, we conclude that Fojas has not challenged the court's findings regarding the *Yochum* factors and thus has forfeited his ability to do so. See *Palmieri v. Clark County*, 131 Nev. 1028, 1033 n.2, 367 P.3d 442, 446 n.2 (Ct. App. 2015) (declining to consider issues that the appellant failed to raise on appeal).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.²


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

cc: Hon. Jerry A. Wiese, Chief Judge
Ricardo Fojas
McCarthy & Holthus, LLP/Las Vegas
Eighth District Court Clerk

²Insofar as Fojas 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.