IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KORY SCHEELER, INDIVIDUALLY,
Appellant,
vs.
BILL HIRSCHI, INDIVIDUALLY; HIRSCHI HOLDINGS, LLC, A NEVADA LIMITED LIABILITY COMPANY; THE HIRSCHI 1978 TRUST, A NEVADA TRUST; AND RONALD REYNOLDS, AS TRUSTEE OF THE HIRSCHI 1978 TRUST,
Respondents.

No. 89311-COA

FILED

MAR 31 2026

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

KORY SCHEELER, INDIVIDUALLY AND ALEJANDRA ROSALES, INDIVIDUALLY,
Appellants,
vs.
BILL HIRSCHI, INDIVIDUALLY; HIRSCHI HOLDINGS, LLC, A NEVADA LIMITED LIABILITY COMPANY; THE HIRSCHI 1978 TRUST, A NEVADA TRUST; AND RONALD REYNOLDS, AS TRUSTEE OF THE HIRSCHI 1978 TRUST,
Respondents.

No. 89987-COA

ORDER OF AFFIRMANCE

Kory Scheeler and Alejandra Rosales bring consolidated appeals from post-judgment orders denying motions to set aside default judgment pursuant to NRCP 60. Eighth Judicial District Court, Clark County; Gloria Sturman, Judge.

26-14687

This matter arises out of a complaint filed by respondents that accused Scheeler and Rosales of defrauding respondents out of their investments. After the appellants failed to appear at a pre-trial calendar call, the district court struck Scheeler's and Rosales' answers and entered a default judgment against each of them. Scheeler then filed a motion to set aside the default judgment against him pursuant to NRCP 60, and sought other related relief, alleging respondents failed to properly serve him with relevant filings, which included the notice of entry of order entering default judgment and the order awarding respondents damages following the prove-up hearing. Respondents opposed that motion and after the district court denied it, Scheeler moved for reconsideration, which the court also denied. Scheeler then filed the appeal in Docket No. 89311-COA to challenge the denial of his motion to set aside the default judgment.

Following the notice of appeal, Scheeler filed a second motion to set aside the default judgment against him pursuant to NRCP 60(b)(4), which argued the alleged contracts between himself and respondents were voidable under NRS 645B.020 and thus the default judgment which awarded damages based upon the contracts was void. Rosales filed a joinder to this motion, which appears to have sought to set aside the default judgment against herself for the same reason. The district court denied the motion and Scheeler and Rosales filed a notice of appeal in Docket No. 89987-COA. The supreme court subsequently consolidated the appeals.

Docket No. 89311-COA

On appeal, Scheeler argues the district court abused its discretion by denying his initial motion because: (1) respondents were

required to comply with NRCP 4's service requirements following the withdrawal of his counsel; (2) the Bunkerhill address where respondents served the filings at issue was not his correct mailing address; and (3) the district court was required to hold an evidentiary hearing concerning the sufficiency of service.

We review a district court's order denying a motion to set aside a default judgment for an abuse of discretion. *Price v. Dunn*, 106 Nev. 100, 103, 787 P.2d 785, 787 (1990), *overruled on other grounds by NC-DSH, Inc. v. Garner*, 125 Nev. 647, 651 n.3, 218 P.3d 853, 857 n.3 (2009). In doing so, we will not disturb factual findings that are supported by substantial evidence. *Ogawa v. Ogawa*, 125 Nev. 660, 668, 221 P.3d 699, 704 (2009). However, we review purely legal questions de novo. *L. Offs. of Barry Levinson, P.C. v. Milko*, 124 Nev. 355, 362, 184 P.3d 378, 384 (2008).

Contrary to Scheeler's argument, respondents were not required to comply with NRCP 4's service requirements because NRCP 5 governs the service of all pleadings and papers following service of the complaint and summons, including the filings at issue here. *See* NRCP 5(a); *see also Dep't of Corr. v. DeRosa*, 136 Nev. 339, 341, 466 P.3d 1253, 1255 (2020) (explaining that NRCP 5 "allows...[m]ethods of service [other than personal service], including mail, for post-complaint pleadings and other papers"). And NRCP 5(b)(2)(C) states that service is considered complete upon mailing the filing to the person's last known address. Thus, respondents were not required to personally serve Scheeler with the post-complaint filings and properly served him via mail.

Scheeler further argues that the district court abused its discretion in concluding that the Bunkerhill address was his correct mailing address because he did not reside there. However, NRCP 5(b)(2)(C) states that service must be completed at a person's last known address, and Scheeler conceded to the district court that his last known address was the Bunkerhill address.[1] Based on Scheeler's concession, his failure to file any notice of change of address, and the evidence provided by respondents, which included evidence demonstrating that a notice of undeliverability was never received until December 2023, well after the relevant filings were served, we conclude substantial evidence supports the district court's finding that the Bunkerhill address was Scheeler's last known address. *Ogawa*, 125 Nev. at 668, 221 P.3d at 704. And because Scheeler conceded that the Bunkerhill address was his last known address, that it was his valid mailing address during the relevant time period, and that he failed to file a notice of change of address, we conclude the district court did not abuse its discretion in declining to hold an evidentiary hearing on the matter. *See Nelson v. Eighth Jud. Dist. Ct.*, 138 Nev. 824, 831, 521 P.3d 1179, 1185-86 (2022) (concluding a district court did not abuse its discretion

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[1]Scheeler filed a notice with the supreme court stating that he was not requesting the preparation of any transcripts in this appeal. Absent a transcript, we cannot fully evaluate the district court's factual findings, which included a finding that Scheeler conceded the Bunkerhill address was correctly identified as his last known address at the time his attorney withdrew. We thus presume the transcript supports the district court's findings. *See Cuzze v. Univ. & Cmty. Coll. Sys. of Nev.*, 123 Nev. 598, 603, 172 P.3d 131, 135 (2007).

by failing to hold an evidentiary hearing given the lack of factual or credibility disputes). Accordingly, we affirm the district court's order denying Scheeler's motion to set aside the default judgment.

Docket No. 89987-COA

In this appeal, appellants argue the district court abused its discretion by denying their motion to set aside the default judgment pursuant to NRCP 60(b)(4). Appellants maintain that because the loans that were underlying the judgments were voidable under NRS 645B.015, any judgment "based on them [is] legally unsound" and thus void.

Having reviewed the record, we conclude the district court did not abuse its discretion in denying the motion. *See Willard v. Berry-Hinckley Indus.*, 139 Nev. 516, 518, 59 P.3d 250, 255 (2023) (noting we review orders denying motions to set aside a judgment under NRCP 60 for abuse of discretion). "For a judgment to be void, there must be a defect in the court's authority to enter judgment through either lack of personal jurisdiction or jurisdiction over subject matter in the suit." *Gassett v. Snappy Car Rental*, 111 Nev. 1416, 1419, 906 P.2d 258, 261 (1995), *superseded in part by rule as stated in In re Estate of Black,* 132 Nev. 73, 367 P.3d 416 (2016).

Appellants' argument, that the default judgment is legally unsound because it is based upon allegedly voidable contracts, does not demonstrate the default judgment itself is void under NRCP 60(b)(4). Here, appellants' argument does not challenge the court's authority to enter the underlying judgment or its jurisdiction to do so and instead challenges the merits of respondents' claims. Thus, the district court did not abuse its

discretion in denying appellants' motion to set aside the default judgment pursuant to NRCP 60(b)(4). Accordingly, we

ORDER the judgments of the district court AFFIRMED.[2]

_______________________, C.J.
Bulla

_______________________, J.
Gibbons

_______________________, J.
Westbrook

cc: Hon. Jerry A. Wiese, Chief Judge
Eighth Judicial District Court, Department 26
Kory Scheeler
Wirthlin & Verlaine
Hutchison & Steffen, LLC/Reno
Hutchison & Steffen, LLC/Las Vegas
Eighth District Court Clerk

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[2]Insofar as appellants raise additional arguments we have considered them and conclude they lack merit.