

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KORY SCHEELER, AN INDIVIDUAL,
Appellant,

vs.

JOSEPH DEBELLIS, AN INDIVIDUAL;
SUZANNE DEBELLIS, AN
INDIVIDUAL; AND DEBELLIS
FAMILY LIMITED LIABILITY
COMPANY, A NEVADA LIMITED
LIABILITY COMPANY,
Respondents.

No. 89463-COA

FILED

MAR 31 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Kory Scheeler appeals from post-judgment orders denying motions pursuant to NRCPC 60(b). Eighth Judicial District Court, Clark County; Bitia Yeager, Judge.

This matter arises out of a complaint filed by respondents which accused Scheeler of defrauding respondents out of their investments. After Scheeler's counsel withdrew from the matter and Scheeler failed to oppose respondents' motion for summary judgment and appear at subsequent hearings, the district court granted respondents summary judgment against Scheeler and awarded a judgment against him. Scheeler filed a motion to set that decision aside pursuant to NRCPC 60(b), alleging respondents failed to properly serve him with relevant filings once his counsel withdrew from the matter. Respondents opposed that motion. The district court found that Scheeler was registered for electronic service and that he had properly been electronically served, and thus, the court denied his motion. Scheeler filed a second motion to set aside the summary judgment against him pursuant to NRCPC 60(b)(4), arguing the judgment

issued against him was void. Respondents opposed that motion, and the district court denied it. Scheeler brought this appeal to challenge the denial of both of his NRCP 60(b) motions to set aside.

On appeal, Scheeler challenges the denial of his first motion for NRCP 60(b) relief by vaguely arguing that service was not completed in compliance with NRCP 4(d), depriving him of notice and an opportunity to be heard. He further asserts that the district court abused its discretion in failing to conduct an evidentiary hearing despite the fact that he presented evidence to the court of improper service. Conversely, respondents assert that to the extent Scheeler is referring to service of the filings connected to their request for summary judgment, Scheeler was registered for electronic service at an email address that was provided by his former counsel, which was confirmed as a good address, and through which Scheeler corresponded with the office of respondents' counsel at the same time as the motion for summary judgment. Thus, respondents assert that Scheeler fails to demonstrate a basis for relief.

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). 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. *Law Offs. of Barry Levinson, P.C. v. Milko*, 124 Nev. 355, 362, 184 P.3d 378, 384 (2008).

NRCP 60(b) 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). Here, Scheeler asserts the district court erred in finding that service was proper. To the extent Scheeler is referring to respondents' service of the filings associated with their request for summary judgment, 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 summary judgment 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)(e) allows service through a court's electronic filing system.

Here, the record reflects that Scheeler was signed up for service through the court's electronic filing system, and a notice of electronic service indicated that Scheeler was served with the motion for summary judgment and related filings through the district court's electronic filing system in compliance with NRCP 5. Thus, respondents were not required to personally serve Scheeler with the summary judgment filings and properly served him through the court's electronic filing system.

Although Scheeler also argues that the court declined to hold an evidentiary hearing on the service matter, he failed to raise this issue before the district court, *Old Aztec Mine, Inc. v. Brown*, 97 Nev. 49, 52, 623 P.2d 981, 983 (1981) (providing "[a] point not urged in the trial court, unless

it goes to the jurisdiction of that court,” is forfeited), and nevertheless, the record supports the court’s factual determination as to service, *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 by failing to hold an evidentiary hearing given the lack of factual or credibility disputes). Therefore, because Scheeler 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 his first motion to set aside the summary judgment.¹

Furthermore, because Scheeler does not address the district court’s order denying his second NRCP 60(b) motion in his opening brief, we do not reach that issue. *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.


_____, C.J.
Bulla


_____, J.
Gibbons


_____, J.
Westbrook

¹Insofar as Scheeler’s argument with respect to improper service pertains to service of the complaint, we note that he failed to raise such a challenge before the district court, and thus, this issue is forfeited on appeal. *See Old Aztec Mine*, 97 Nev. at 52, 623 P.2d at 983.

cc: Hon. Bita Yeager, District Judge
Kory Scheeler
Flangas Civil Law Firm, Ltd.
Eighth District Court Clerk