



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

J. MICHAEL SUNDE, INDIVIDUALLY
AND AS SOLE BENEFICIARY OF
ERKP FAMILY TRUST, AND
VIKTORIYA SOKOL SUNDE,
Appellants,
vs.
VICTORIA A. CROCKETT,
INDIVIDUALLY AND IN HER
OFFICIAL CAPACITY AS TRUSTEE OF
ERKP FAMILY TRUST, AND IN HER
OFFICIAL CAPACITY AS AN OFFICER
OF NEVADA DIVORCE & DOCUMENT
SERVICES, INC., AND IN HER
OFFICIAL CAPACITY AS AN OFFICER
OR MEMBER OF CROCKETT
COMMERCIAL, LLC, AND IN HER
OFFICIAL CAPACITY AS TRUSTEE OF
VICTORIA CROCKETT FAMILY
TRUST, 2019,
Respondent.

No. 89770-COA

ORDER OF AFFIRMANCE

J. Michael Sunde and Viktoriya Sokol Sunde appeal from district court orders denying NRCP 60(b) relief. Second Judicial District Court, Washoe County; Tammy Riggs, Judge.

Appellants filed a petition for accounting, to remove trustee and appoint successor trustee for the family trust, and a complaint for damages against respondents Crockett Commercial, LLC, the Victoria Crockett Family Trust, 2019, and Victoria A. Crockett individually and in her official

capacities as trustee of the family trust, officer of Nevada Divorce & Document Services, Inc. (Nevada Divorce), officer of Crockett Commercial, LLC, and trustee of the Victoria Crockett Family Trust, 2019. In response, Crockett filed an “ex parte motion for a more definite statement” on behalf of herself and in her official capacities as trustees and members of the various named entities, pursuant to NRCPC 12(e).

The parties thereafter engaged in extensive motion practice. Because Crockett had appeared on behalf of the respondent trusts and business entities, the district court ordered that she obtain counsel. Crockett complied with this order and obtained counsel, who represented respondents for the remainder of the proceedings. Following a hearing, the district court granted respondents’ motion for a more definite statement and ordered appellants to file an amended pleading. Although appellants sought, and were granted, several extensions of time to file an amended pleading that complied with the court’s order for a more definite statement, appellants failed to file an amended pleading. Based on this failure, respondents filed an application for dismissal, and appellants did not respond. Consequently, in March 2024, the district court struck appellants’ petition for accounting, to remove the trustee and appoint successor trustee, and complaint for damages pursuant to NRCPC 12(e) and dismissed the matter without prejudice.

Despite the dismissal, appellants filed an application for a writ of attachment and recorded “notices” against various properties associated with respondents. As such, respondents filed a motion for contempt and sanctions, which the district court ultimately granted in June 2024.

Appellants thereafter filed two motions seeking NRCP 60(b) relief and/or reconsideration of the March 2024 dismissal order and the June 2024 contempt order and they filed a motion to designate Crockett a vexatious litigant. When appellants failed to comply with the June contempt order, respondents filed another motion for contempt and sanctions. The district court denied appellants' motions for NRCP 60(b) relief and/or reconsideration and to declare Crockett a vexatious litigant. The court additionally found appellants in contempt and awarded respondents various attorney fees and costs. This appeal followed.

On appeal, appellants raise various contentions, primarily related to purported bias in the underlying proceedings, but do not cogently challenge the district court's denials of their motions seeking NRCP 60(b) relief or reconsideration, other than to argue their initial NRCP 60(b) motion was timely filed. Here, the district court rejected appellants' motions seeking NRCP 60(b) relief because it concluded that the challenged orders were not final. *See* NRCP 60(b) ("On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding . . ."). The court further determined that appellants' requested relief was unavailable because appellants failed to seek leave to file for reconsideration in accordance with WDCR 12(8) and DCR 13(7).

However, appellants do not present any argument concerning the district court's bases for denying their motions. Because appellants fail to address the bases upon which the court relied in denying their motions for NRCP 60(b) relief or for reconsideration, they have forfeited any arguments related to the same. *See Palmieri v. Clark County*, 131 Nev.

1028, 1033 n.2, 367 P.3d 442, 446 n.2 (2015) (providing that arguments not raised on appeal are deemed forfeited); *see also Hung v. Genting Berhad* , 138 Nev. 547, 547-48, 513 P.3d 1285, 1286 (Ct. App. 2022) (stating that, when a district court resolves a case on multiple grounds and the appellant fails to challenge each alternative ground on appeal, those challenges are forfeited, “thereby foreclosing [the] appeal as it concerns the district court’s . . . ruling”).¹

Appellants next challenge the district court’s denial of their motion to declare Crockett a vexatious litigant, arguing the court refused to consider arguments concerning Crockett’s conduct, Crockett engaged in the unauthorized practice of law, and she abused her fiduciary duties as trustee which makes her vexatious under NRS 155.165 (providing when a person acting as a trustee may be deemed vexatious). This court reviews a district court’s vexatious litigant order for an abuse of discretion. *Jordan v. Dep’t of Motor Vehicles & Pub. Safety* , 121 Nev. 44, 62, 110 P.3d 30, 44 (2005), *overruled on other grounds by Buzz Stew, LLC v. City of N. Las Vegas* , 124 Nev. 224, 228 n.6, 181 P.3d 670, 672 n.6 (2008).

We conclude appellants fail to demonstrate the district court abused its discretion by denying the motion to declare Crockett vexatious. The record shows Crockett filed appropriate and responsive filings and does

¹Appellants’ amended notice of appeal also lists the district court’s January 2025 order finding them in contempt and entering a permanent injunction, but appellants do not raise any specific arguments challenging that order. Accordingly, they have forfeited any such challenge, and we need not address the propriety of that order on appeal. *See Palmieri*, 131 Nev. at 1033 n.2, 367 P.3d at 446 n.2.

not demonstrate Crockett engaged in frivolous or harassing actions. *See id.* at 61, 110 P.3d at 43 (explaining that to declare a litigant vexatious, “the litigant’s filings must not only be repetitive or abusive, but also be without an arguable factual or legal basis, or filed with the intent to harass”); *see also* NRS 155.165 (providing that to be deemed vexatious, a trustee must file pleadings without merit, intended to harass, or engage in other unreasonable behavior, such as unreasonably frustrating the efforts of a person acting in good faith to enforce their rights, or expending funds of the trust to unreasonably oppose the good faith efforts of an interested person).

Appellants next argue they were deprived of due process when the district court granted respondents’ motion for a more definite statement under NRCP 12(e) because the court resolved that motion at a hearing without their presence. They further argue their due process rights were violated when the court ruled on their first NRCP 60(b) motion and motion to designate Crockett a vexatious litigant without a hearing. “Due process is satisfied where interested parties are given an opportunity to be heard at a meaningful time and in a meaningful manner.” *Mesi v. Mesi*, 136 Nev. 748, 750, 478 P.3d 366, 369 (2020). This generally takes the form of a live hearing, but in some cases the parties may be “afforded sufficient opportunity to present their case through affidavits and supporting documents.” *J.D. Constr., Inc. v. IBEX Int’l Grp., LLC*, 126 Nev. 366, 378, 240 P.3d 1033, 1041 (2010).

Here, appellants had the opportunity to be heard as they opposed the motion for a more definite statement, and they had the opportunity to attend the hearing, but Viktoriya was removed for failing to

conduct herself in an appropriate manner and Michael failed to return after a recess. Similarly, appellants were afforded the opportunity to file and fully brief their motions for NRCP 60(b) relief and to declare Crockett vexatious, but the district court was not required to hold hearings before ruling on those motions. See WDCR 12(5) (stating a “[d]ecision shall be rendered without oral argument unless oral argument is ordered by the court, in which event the individual court department shall set a date and time for hearing”); see also WDCR 44(4)(a) (“Unless otherwise required by statute or court rule, all motions, except motions affecting child custody, shall be submitted for decision without oral argument or hearing, unless otherwise ordered by the court.”). As such appellants have failed to demonstrate relief is warranted on this basis.

With respect to appellants’ argument regarding the district court’s failure to rule on various motions, we conclude they fail to show that relief is warranted as they do not demonstrate they were deprived of notice or the opportunity to be heard in this respect. To the extent the district court did not specifically rule on appellants’ motions, it is well-established that where the court does not make a formal ruling, it is treated as an implicit denial of the motion. See *Bd. of Gallery of Hist., Inc. v. Datecs Corp.*, 116 Nev. 286, 289, 994 P.2d 1149, 1150 (2000) (explaining that the absence of a ruling by the district court on a motion constitutes a denial of the motion).

We likewise conclude relief is unwarranted with regard to appellants’ allegations that the district court was biased against them or engaged in a scheme of corruption. Aside from their unsupported

allegations in these respects, they have not demonstrated that the court 's decisions in the underlying case were based on knowledge acquired outside of the proceedings and its decisions did not otherwise reflect "a deep-seated favoritism or antagonism that would make fair judgment impossible." *Canarelli v. Eighth Jud. Dist. Ct.* , 138 Nev. 104, 107, 506 P.3d 334, 337 (2022) (internal quotation marks omitted) (explaining that unless an alleged bias has its origins in an extrajudicial source, disqualification is unwarranted absent a showing that the judge formed an opinion based on facts introduced during official judicial proceedings and which reflects deep-seated favoritism or antagonism that would render fair judgment impossible); see *In re Petition to Recall Dunleavy* , 104 Nev. 784, 789, 769 P.2d 1271, 1275 (1988) (providing that rulings made during official judicial proceedings generally "do not establish legally cognizable grounds for disqualification"); see also *Rivero v. Rivero* , 125 Nev. 410, 439, 216 P.3d 213, 233 (2009) (stating that the burden is on the party asserting bias to establish sufficient factual grounds for disqualification), *overruled on other grounds by Romano v. Romano* , 138 Nev. 1, 6, 501 P.3d 980, 984 (2022), *abrogated in part on other grounds by Killebrew v. State ex rel. Donohue* , 139 Nev. 401, 535 P.3d 1167 (2023). Moreover, appellants fail to demonstrate this is one of the exceedingly rare cases where reassignment is necessary to preserve public confidence and trust in the fairness of a judicial proceeding. See *Williams v. Second Jud. Dist. Ct.* , 142 Nev., Adv. Op. 5, 583 P.3d 223, 230 (2026). Therefore, appellants are not entitled to relief based on this argument.

Finally, as to appellants' argument that Crockett engaged in the unauthorized practice of law, nothing in the record or appellants' briefing demonstrates that the district court did not properly address the issue, and they have failed to demonstrate any prejudice from the district court's handling of this issue that warrants relief. Accordingly, we

ORDER the judgment of the district court AFFIRMED. ²



Bulla, C.J.



Gibbons, J.



Westbrook, J.

²We have also considered appellants' arguments concerning any decision to deny their requests for entry of a default and conclude appellants fail to demonstrate they are entitled to relief. *See Lindblom v. Prime Hosp. Corp.*, 120 Nev. 372, 375, 90 P.3d 1283, 1284 (2004) (reviewing a district court's decision concerning a default judgment for an abuse of discretion); *cf.* NRC 55(a) ("When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default."). In addition, insofar as appellants raise other arguments not specifically addressed in this order, we have considered the same and conclude that they do not present a basis for relief.

cc: Hon. Tammy Riggs, District Judge
J. Michael Sunde
Viktoriya Sokol Sunde
The Gilmore Law Group
Washoe District Court Clerk