

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JOEL BECK,
Appellant,
vs.
NATIONSTAR MORTGAGE, DBA MR.
COOPER; FIRST AMERICAN
TRUSTEE SERVICING SOLUTIONS,
LLC; AND WELLS FARGO BANK, N.A.
AS TRUSTEE FOR SECURITIZED
TRUST STRUCTURED ADJUSTABLE
RATE MORTGAGE LOAN TRUST,
Respondents.

No. 90655-COA

ORDER OF AFFIRMANCE

Joel Beck appeals from a district court order denying a “motion to vacate judgment pursuant to NRCP 60(b)(4) and for relief due to fraud upon the court and abuse of process” in a real property matter. Ninth Judicial District Court, Douglas County; Thomas W. Gregory, Judge.

In August 2019, Beck filed an amended complaint alleging respondents committed various acts of wrongdoing related to the foreclosure of his property. Respondents removed the case to federal court, however the matter was ultimately remanded to the state district court. On October 14, 2020, respondents filed a motion to dismiss for failure to prosecute. When Beck did not respond, the district court granted respondents’ motion to dismiss in November 2020.

In July 2021, Beck filed an emergency motion requesting the district court reverse its order dismissing Beck’s amended complaint. Beck alleged that he had not been served with respondents’ motion to dismiss as it had been mailed to the property’s street address and not his post office box. Beck described respondents’ actions as deceptive, intentional, and

unlawful. After respondents opposed the motion, Beck filed responses arguing that because respondents were made aware during federal court proceedings that mail could not be sent to the property's street address, they committed fraud by doing so as a means to serve him. The district court subsequently reviewed the motion and determined Beck's arguments were insufficient to warrant relief. Beck later raised, in two separate motions, similar arguments related to respondents serving him via mail at the property's street address. The district court considered the motions and denied any relief sought therein.

In April 2025, Beck filed a "motion to vacate judgment pursuant to NRCP 60(b)(4) and for relief due to fraud upon the court and abuse of process." The motion was based on similar facts and argument Beck had raised previously: that respondents committed fraud by serving him via mail at the property's street address. After respondents opposed the motion, the district court denied it as barred by the law-of-the-case doctrine on the grounds that it was "redundant and/or duplicative of previous motions" Beck filed. Beck now appeals.

On appeal, Beck raises a number of issues related to the denial of his motion, including that respondents' repeated use of a nonfunctional address for service constituted extrinsic fraud upon the court and that his motion was not time barred pursuant to NRCP 60(b) because he alleged he was not served and respondents committed fraud upon the court.

"We review a district court's decision to grant or deny a motion to set aside a judgment under NRCP 60(b) for abuse of discretion." *Willard v. Berry-Hinckley Indus.*, 139 Nev. 516, 518, 539 P.3d 250, 255 (2023) (internal quotation marks omitted); *see also In re Harrison Living Tr.*, 121 Nev. 217, 224, 112 P.3d 1058, 1062 (2005) (reviewing a district court's

decision concerning a motion brought under NRCP 60(b)(4) for an abuse of discretion). “An abuse of discretion occurs when the district court’s decision is not supported by substantial evidence, which is evidence that a reasonable mind might accept as adequate to support a conclusion or when the district court disregards established legal principles.” *Willard*, 139 Nev. at 518-19, 539 P.3d at 255. Under NRCP 60(b)(4), a district court may set aside a judgment if “the judgment is void.” “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, 76, 367 P.3d 416, 418 (2016).

Here, the district court applied the law-of-the-case doctrine to Beck’s motion, finding it previously considered and rejected his contentions concerning mailing documents to the property’s street address. “Under the law-of-the-case doctrine, a legal decision made at one stage of a criminal or civil proceeding should remain the law of that case throughout the litigation, unless and until the decision is modified or overruled by a higher court.” *Litchfield v. Tucson Ridge Homeowners Ass’n*, 140 Nev., Adv. Op. 57, 555 P.3d 267, 270 (2024) (internal quotation marks omitted). “The doctrine is designed to ensure judicial consistency and to prevent the reconsideration, during the course of a single continuous lawsuit, of those decisions which are intended to put a particular matter to rest.” *Id.* (internal quotation marks omitted). “We review de novo whether the law-of-the-case doctrine applies but review a district court’s application of the doctrine for an abuse of discretion.” *Id.* at 269.

We conclude that Beck does not demonstrate that he is entitled to relief. As noted by the district court, Beck's motion contained arguments related to the same underlying issue that he had raised in prior filings that were considered and denied by the district court: that respondents committed fraud by knowingly serving him via mail at the property's nonfunctional street address instead of at his post office box. Thus, the law of the case applied to this issue and barred reconsideration absent an exception to that doctrine. *See id.* at 270-71.

However, Beck does not address the district court's application of the law-of-the-case doctrine on appeal or argue that an exception to that doctrine applied in this matter. Therefore, he has forfeited any such argument. *See Palmieri v. Clark County*, 131 Nev. 1028, 1033 n.2, 367 P.3d 442, 446 n.2 (Ct. App. 2015) (providing that arguments not raised on appeal are deemed forfeited). Accordingly, Beck fails to demonstrate he is entitled to relief and we

ORDER the judgment of the district court AFFIRMED.¹


Bulla, C.J.


Gibbons, J.


Westbrook, J.

¹To the extent Beck raises other arguments not specifically addressed in this order, we have considered the same and conclude that they either do not present a basis for relief or need not be reached given the disposition of this appeal.

cc: Hon. Thomas W. Gregory, District Judge
Joel Beck
Maurice Wood
Troutman Pepper Hamilton Sanders LLP/Las Vegas
Douglas County Clerk