



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

STACY SPAHLE, AN INDIVIDUAL,
Appellant,
vs.
STATE OF NEVADA, DEPARTMENT
OF EMPLOYMENT, TRAINING, AND
REHABILITATION, EMPLOYMENT
SECURITY DIVISION
Respondent.

No. 90501-COA

ORDER OF AFFIRMANCE

Stacy Spahle appeals from a district court order dismissing a petition for judicial review in a pandemic unemployment assistance matter. Eighth Judicial District Court, Clark County; Hon. Veronica Barisich, Judge.¹

Spahle was initially found eligible for and received pandemic unemployment assistance (PUA) benefits, but respondent Nevada Department of Employment, Training, and Rehabilitation, Employment Security Division (ESD) later sent her a determination letter disqualifying her from receiving benefits and eventually sought to recoup overpayments made to her. Spahle appealed, and following a hearing, an appeals referee affirmed the determination. The Board of Review declined further review and so Spahle filed a petition for judicial review. The district court granted the petition and remanded for a second hearing. Following the second hearing, an appeals referee affirmed the determination and again the Board of Review declined further review.

¹We direct the clerk of this court to amend the caption on this court's docket to conform with the caption on this order.

Spahle then filed a second petition for judicial review but did not serve the petition on the ESD's administrator. Approximately ten months after Spahle filed, but did not serve the second petition, ESD moved to dismiss the petition pursuant to NRS 612.530(2), arguing Spahle did not comply with the service deadline, which was mandatory and jurisdictional. Although not in the record, the parties agree they stipulated to extend the deadline to respond. ESD asserts, and Spahle does not dispute, that the deadline to respond to the motion to dismiss was extended to February 7, 2025. On February 12, 2025, Spahle submitted a settlement offer to ESD, and on February 18, 2025, Spahle requested ESD stipulate to extend the deadline to respond to the motion to dismiss and reschedule the motion hearing to March 11. ESD agreed to the stipulation. However, the stipulation was never submitted to the district court and on February 21, 2025, the court entered a minute order dismissing the petition and vacating the upcoming hearing. The minute order was entered two weeks after the deadline to oppose the motion had expired. The district court's written order dismissed the petition for lack of service pursuant to NRS 612.530(2). Spahle now appeals.

On appeal, Spahle does not assert the district court erred by dismissing this matter pursuant to NRS 612.530(2). Indeed, Spahle presents no argument as to why NRS 612.530(2) would not mandate dismissal. Instead, Spahle maintains the court erred by "sua sponte" dismissing the petition despite being aware the parties intended to stipulate to an extension of the deadline to oppose ESD's motion to dismiss. Spahle reasons that because her counsel contacted the court to find a new hearing

date, the court was on notice of the forthcoming stipulation.² However, Spahle does not identify what arguments, if any, she would have raised if the stipulation to extend the deadline had been submitted to the court nor does Spahle explain why her opposition was not filed prior to the expiration of the February 7 deadline.

We review an order granting a motion to dismiss for failure to effect timely service of process for an abuse of discretion. *Abreu v. Gilmer*, 115 Nev. 308, 312-13, 985 P.2d 746, 749 (1999). “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) (internal quotation marks omitted). “When a district court rules on a dispositive motion, the district court must therefore provide a meaningful opportunity to be heard.” *Id.* Due process may be satisfied through a live hearing but parties may also have a meaningful opportunity to present their case through presentation of affidavits, supporting documents, and motions. *Id.*; see also EDCR 2.23(c) (stating a district court “may consider [a] motion on its merits at any time with or without oral argument, and grant or deny it”).

As a threshold issue, the district court did not sua sponte dismiss the petition but instead ruled on a pending motion to dismiss following the expiration of the deadline to respond. And, Spahle had an opportunity to oppose the motion but did not file an opposition, or a further stipulation or motion to extend the time to file an opposition, prior to the

²Spahle’s opening brief additionally asserts ESD’s overpayment decision is erroneous. However, in her reply brief, Spahle admits that her alleged entitlement to benefits is not at issue in the present appeal and instead reaffirms the issue for this court is whether the district court abused its discretion by dismissing the petition under the circumstances.

expiration of the deadline to do so. Although Spahle maintains the court should have been aware the parties intended to extend the deadline because she requested a new hearing date, she did not cite any relevant authority prohibiting a court from ruling on a pending motion simply because the parties stipulated to continue a previously expired deadline. *See Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that this court need not consider claims that are unsupported by relevant authorities). Because Spahle had an opportunity to oppose the motion through a written opposition, and since she is not entitled to a motion hearing, we conclude the district court did not abuse its discretion by granting the motion to dismiss without holding a hearing. *See* EDCR 2.23(c) (stating a “judge may consider the motion on its merits at anytime with or without oral argument, and grant or deny it”); *see also Campbell v. Emp. Sec. Div.*, No. 89640-COA, 2026 WL 271981 at *2 (Nev. Ct. App. Feb. 2, 2026) (Order of Affirmance) (collecting cases holding NRS 612.530(2)’s service requirement is jurisdictional and district courts have no discretion to extend the service period).

Accordingly, we

ORDER the judgment of the district court AFFIRMED.



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Veronica Barisich, District Judge
Hatfield & Associates, Ltd.
State of Nevada/DETR - Carson City
Eighth District Court Clerk