



IN THE COURT OF APPEALS OF THE STATE OF NEVADA

ROY TRIGUEROS,
Appellant,
vs.
LAS VEGAS METROPOLITAN POLICE
DEPARTMENT,
Respondent.

No. 91223-COA

ORDER OF AFFIRMANCE

Roy Trigueros appeals from post-judgment orders denying motions to set aside a default judgment pursuant to NRCP 60(b) and for reconsideration. Eighth Judicial District Court, Clark County; Hon. Jacqueline M. Bluth, Judge.

This matter arises from a civil forfeiture action initiated by respondent Las Vegas Metropolitan Police Department (LVMPD). In December 2022, Trigueros was arrested by LVMPD officers on charges related to the illegal sale of marijuana. During a search incident to arrest, LVMPD officers discovered \$2,214 on Trigueros' person. LVMPD officers seized the currency and other items of evidentiary value. Trigueros was subsequently charged with transport of a schedule I or II controlled substance, possession of a scheduled I or II controlled substance with intent to sell, and possession of marijuana greater than an ounce but less than 50 pounds.

On April 5, 2023, LVMPD filed a complaint seeking forfeiture of the currency seized from Trigueros' person. On May 11, 2023, LVMPD served

the complaint and a summons upon an adult woman at the California address of record for Trigueros, which was listed in both a declaration of arrest and the district court docket for the criminal case. The proof of service indicated that the woman who accepted service of the complaint and summons was Trigueros' co-tenant. After Trigueros failed to answer the complaint, LVMPD applied to the district court for a judgment by default. The district court subsequently entered a default judgment on July 27, 2023.

On May 12, 2025, nearly two years after the district court entered the default judgment, Trigueros filed a pro se motion to set aside the default judgment.¹ Relevant to the issues on appeal, Trigueros asserted the default judgment was void pursuant to NRCF 60(b)(4) because LVMPD's service of process was defective. Specifically, Trigueros asserted that he had moved from the California residence listed in the declaration of arrest and the criminal case record several months prior to the May 11, 2023, date of service. LVMPD opposed the motion.

The district court thereafter issued a written order denying Trigueros' motion. The court concluded that the proof of service constituted prima facie evidence that service of the complaint and summons was proper,

¹We note that on December 18, 2024, Trigueros entered a plea of no contest to misdemeanor possession of drugs which may not be introduced in interstate commerce. See NRS 454.351. As part of the plea negotiations, Trigueros stipulated to the forfeiture of all items LVMPD seized in December 2022, with the exception of his cell phone. See *Trigueros v. State*, No. 89951-COA, 2025 WL 3042299 at *1 (Nev. Ct. App. Oct. 30, 2025) (Order of Affirmance). To the extent Trigueros attempts in this appeal to collaterally attack the validity of the judgment of conviction in his criminal case, we decline to consider such argument.

and that Trigueros failed to provide sufficient evidence demonstrating otherwise. Trigueros subsequently filed a motion for reconsideration. In the motion for reconsideration, Trigueros included a copy of a March 2023 bank statement which he contended was “new documentary evidence” that he was not residing at the address where service was effected. The district court denied the motion for reconsideration, concluding that the March 2023 bank statement was not “new” evidence because it was available to Trigueros when he filed his motion to set aside. This appeal followed.

On appeal, Trigueros contends the district court abused its discretion in denying his motion to set aside the default judgment, arguing that the judgment was void pursuant to NRCP 60(b)(4) due to LVMPD’s alleged failure to properly serve him.² In so arguing, Trigueros relies on the March 2023 bank statement he disclosed in support of his motion for reconsideration. He also contends that reconsideration was warranted because the bank statement was sufficient to demonstrate that valid service of process did not occur.

“The district court has wide discretion in deciding whether to grant or deny a motion to set aside a judgment under NRCP 60(b).” *Stoecklein v. Johnson Elec., Inc.*, 109 Nev. 268, 271, 849 P.2d 305, 307 (1993); *see also In re*

²We note Trigueros’ motion to set aside identified additional bases under NRCP 60(b) upon which he believed the district court should set aside the default judgment. However, Trigueros does not present cogent argument concerning those issues on appeal. As a result, we need not consider these issues. *See Edwards v. Emperor’s Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that appellate courts need not consider issues that are not supported by cogent argument).

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) seeking to set aside a void judgment for an abuse of discretion); *Britz v. Consol. Casinos Corp.*, 87 Nev. 441, 445, 488 P.2d 911, 914-15 (1971) (“[T]he trial judge is free to judiciously and reasonably exercise discretion in determining whether a default judgment should be set aside.”). We also review a district court’s decision to deny a motion for reconsideration for abuse of discretion. *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 589, 245 P.3d 1190, 1197 (2010). While this court reviews factual findings deferentially, it reviews conclusions of law de novo. *Kilgore v. Kilgore*, 135 Nev. 357, 359-60, 449 P.3d 843, 846 (2019).

Pursuant to NRCP 60(b)(4), a party may file a motion to set aside a final judgment on the grounds that “the judgment is void.” Personal service or legally provided substitute service must occur in order for the district court to obtain jurisdiction over a party. *C.H.A. Venture v. G.C. Wallace Consulting Eng’rs, Inc.*, 106 Nev. 381, 384, 794 P.2d 707, 709 (1990). A default judgment not supported by valid service of process is void because due process requires defendants to be subject to the court’s jurisdiction. *See Browning v. Dixon*, 114 Nev. 213, 218, 954 P.2d 741, 744 (1998); *Tandy Comput. Leasing v. Terina’s Pizza*, 105 Nev. 841, 843, 784 P.2d 7, 7 (1989). However, the party seeking to set aside a judgment as void must “establish that the judgment is void to obtain relief.” *Dobson v. Dobson*, 108 Nev. 346, 348, 830 P.2d 1336, 1338 (1992).

To effectively serve an individual, a party may leave “a copy of the summons and complaint at the individual’s dwelling or usual place of abode with a person of suitable age and discretion who currently resides therein”

NRCP 4.2(a)(2). A party may serve an individual outside Nevada in the same way provided for in-state service. NRCP 4.3(a)(1). “Proof of service within Nevada or within the United States must be made by affidavit from the person who served the summons and complaint.” NRCP 4(d)(1). Moreover, “a signed return of service constitutes prima facie evidence of valid service which can be overcome only by strong and convincing evidence.” *SEC v. Internet Sols. for Bus. Inc.*, 509 F.3d 1161, 1163 (9th Cir. 2007); *O’Brien v. R.J. O’Brien & Assocs., Inc.*, 998 F.2d 1394, 1398 (7th Cir. 1993) (stating same)); *see also Exec. Mgmt., Ltd. v. Ticor Title Ins. Co.*, 118 Nev. 46, 53, 38 P.3d 872, 876 (2002) (holding that federal cases interpreting the FRCP are “strong persuasive authority” when this court interprets the NRCP).

The proof of service here shows that LVMPD validly effected service on an apparent co-tenant of Trigueros at his known address of record. As noted above, in denying Trigueros’ motion to set aside, the district court determined that the proof of service constituted prima facie evidence that service of the complaint and summons was proper, and that Trigueros failed to provide sufficient evidence demonstrating otherwise. Trigueros does not demonstrate that the district court abused its discretion in reaching this decision and accordingly denying his motion to set aside. *See In re Harrison Living Tr.*, 121 Nev. at 224, 112 P.3d at 1062.

Turning to Trigueros’ challenge to the order denying his motion for reconsideration, we determine that Trigueros fails to demonstrate he is entitled to relief. “Reconsideration may be appropriate where a party introduces substantially different evidence or the court’s decision is clearly erroneous.” *Saticoy Bay, LLC v. Thornburg Mortg. Sec. Tr. 2007-3*, 138 Nev.

335, 344, 510 P.3d 139, 146 (2022). However, “[o]nly in very rare instances in which new issues of fact or law are raised supporting a ruling contrary to the ruling already reached should a motion for rehearing be granted.” *Moore v. City of Las Vegas*, 92 Nev. 402, 405, 551 P.2d 244, 246 (1976). In addition, “[a] finding is ‘clearly erroneous’ when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed.” *Unionamerica Mortg. & Equity Tr. v. McDonald*, 97 Nev. 210, 211-12, 626 P.2d 1272, 1273 (1981) (quoting *United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395 (1948)).

As discussed above, Trigueros submitted a March 2023 bank statement in support of his motion for reconsideration, which he contended showed he did not reside at the address where LVMPD served the summons and complaint. However, he disclosed that document for the first time upon moving the district court for reconsideration. The district court determined that the bank statement was insufficient to demonstrate that reconsideration was warranted, as the bank statement was not “newly discovered evidence” because it was available to Trigueros at the time he filed his motion to set aside the default judgment and this was not one of the rare instances in which new issues of fact demonstrated reconsideration of an already decided issue was warranted. *See Masonry & Tile Contractors Ass’n of S. Nev. v. Jolley, Urga & Wirth, Ltd.*, 113 Nev. 737, 741, 941 P.2d 486, 489 (1997); *cf. Drespel v. Drespel*, 56 Nev. 368, 374, 45 P.2d 792, 793 (1935) (recognizing that evidence that was within a party’s power to present during a first trial will not constitute newly discovered evidence supporting a grant of a motion for a new trial), *reh’g granted in part on other grounds*, 56 Nev. 368, 54 P.2d 226 (1936). Moreover,

Trigueros does not demonstrate that the district court issued a clearly erroneous decision when it determined that there was prima facie evidence that service of the complaint and summons was proper, and that he failed to provide sufficient evidence demonstrating otherwise. *See Saticoy Bay, LLC*, 138 Nev. at 344, 510 P.3d at 146. Therefore, we conclude Trigueros does not demonstrate that the district court abused its discretion in denying his motion for reconsideration. *See AA Primo Builders*, 126 Nev. at 589, 245 P.3d at 1197. Accordingly, we

ORDER the judgment of the district court AFFIRMED.³



Bulla, C.J.



Gibbons, J.



Westbrook, J.

cc: Hon. Jacqueline M. Bluth, District Judge
Liesl Freedman
Martina Geinzer
Roy Franz Trigueros
Eighth Judicial District Court Clerk

³Insofar as the parties raise arguments that are 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.