

IN THE SUPREME COURT OF THE STATE OF NEVADA

MICHAEL IANNUCCILLI,  
Appellant,  
vs.  
KEITH E. GREGORY,  
Respondent.

No. 40896

**FILED**

MAY 17 2005

JANETTE M. BLOOM  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a district court order denying appellant's motion under NRCP 60(b). Eighth Judicial District Court, Clark County; Michelle Leavitt, Judge.

In the proceedings below, appellant filed a motion under NRCP 60(b), challenging the district court's prior ruling on an NRCP 59 motion. As an NRCP 60(b) motion is properly used only to challenge a final judgment, the district court erred in considering the motion on its merits.<sup>1</sup> Nevertheless, as the district court reached the correct result in denying the motion, we affirm.<sup>2</sup>

It is so ORDERED.<sup>3</sup>

*Maupin*, J.  
Maupin

*Douglas*, J.  
Douglas

*Parraguirre*, J.  
Parraguirre

<sup>1</sup>Barry v. Lindner, 119 Nev. 661, 669-70, 81 P.3d 537, 543 (2003).

<sup>2</sup>Id.

<sup>3</sup>We note, in passing, that EDCR 7.10(e) states that "[a]ny order of a senior judge or visiting judge may be enforced or modified by any other senior or visiting judge." This rule does not provide that an order may be enforced only by a visiting judge, and does not preclude a district judge appointed to the department from considering a motion regarding a visiting judge's order.

cc: Hon. Michelle Leavitt, District Judge  
Rawlings Olson Cannon Gormley & Desruisseaux  
Silver Lockwood PLC  
Stein & Rojas  
Pico & Mitchell  
Clark County Clerk