

IN THE SUPREME COURT OF THE STATE OF NEVADA

ROBERT KALE SHAWHAN,
Appellant,

vs.

DONNA KNOLL SHAWHAN,
Respondent.

No. 52458

FILED

NOV 13 2009

ORDER OF AFFIRMANCE

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

This is a proper person appeal from a district court order denying an NRCP 60(b) motion to set aside a marital settlement agreement. Ninth Judicial District Court, Douglas County; David R. Gamble, Judge.

The district court has broad discretion in deciding whether to grant or deny an NRCP 60(b) motion to set aside a judgment, and this court will not disturb that decision absent an abuse of discretion. Cook v. Cook, 112 Nev. 179, 912 P.2d 264 (1996). Having reviewed the appellate record and appellant's proper person civil appeal statement, we conclude that the district court did not abuse its discretion when it denied appellant's NRCP 60(b) motion. Accordingly, we

ORDER the judgment of the district court AFFIRMED.¹

Parraguirre, J.
Parraguirre

Douglas, J.
Douglas

Pickering, J.
Pickering

¹Respondent's motion to dismiss appellant's appeal based on claim and issue preclusion is denied. Taylor v. Barringer, 75 Nev. 409, 410, 344 P.2d 676, 676 (1959) (stating that a motion to dismiss an appeal that goes to the merits of the appeal "is not a proper ground for dismissal of the appeal").

cc: Hon. David R. Gamble, District Judge
Robert Kale Shawhan
Donald C. Smith
Douglas County Clerk