

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

KATHY CARLENE STEELE,
Appellant,
vs.
U.S. BANK NATIONAL ASSOCIATION,
AS TRUSTEE, SUCCESSOR IN
INTEREST TO BANK OF AMERICA,
NATIONAL ASSOCIATION AS
TRUSTEE AS SUCCESSOR BY
MERGER TO LASALLE BANK
NATIONAL ASSOCIATION AS
TRUSTEE FOR EMC MORTGAGE
LOAN TRUST 2005-A, MORTGAGE
LOAN PASS-THROUGH
CERTIFICATES, SERIES 2005-A,
Respondent.

No. 72210

FILED

DEC 18 2017

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Kathy Carlene Steele appeals from a district court order denying a motion to set aside an order granting summary judgment in a judicial foreclosure action. Second Judicial District Court, Washoe County; Janet J. Berry, Judge.

The district court granted summary judgment in favor of respondent U.S. Bank and allowed the foreclosure of Steele's home based on her failure to oppose U.S. Bank's motion for summary judgment, and Steele filed a motion for reconsideration of the summary judgment order, which the court denied. Thereafter, the district court entered an amended summary judgment order at U.S. Bank's request because the first order erroneously granted a foreclosure by trustee's sale, when U.S. Bank had requested a judicial foreclosure. Steele then filed an appeal of the amended summary judgment order and this court affirmed the district court's

decision. *See Steele v. U.S. Bank Nat'l Assoc.*, Docket No. 68787 (Order Granting Rehearing, Vacating Prior Order Dismissing Appeal, Reinstating Appeal, and Affirming, June 23, 2016).

Following the remittitur, Steele filed a motion to set aside the court's summary judgment order, which the district court denied. Steele subsequently moved for reconsideration of the court's denial of the motion to set aside. Without a decision on the motion for reconsideration, Steele filed an appeal, which the supreme court dismissed, as it did not have jurisdiction where a tolling motion was pending. *See Steele v. U.S. Bank Nat'l Assoc.*, Docket No. 71633 (Order Dismissing Appeal, December 12, 2016); *see also* NRAP 4(a)(6). The district court subsequently issued its order denying the motion for reconsideration of the denial of the motion to set aside. This appeal followed.


We review a trial court's decision on a motion to set aside a judgment under NRCP 60(b) for an abuse of discretion. *Ford v. Branch Banking & Tr. Co.*, 131 Nev. ___, ___, 353 P.3d 1200, 1202 (2015). Although characterizing the actions of the court as arbitrary and capricious and depriving her of due process, Steele does not provide any real explanation for how the court abused its discretion in denying the motion to set aside the summary judgment order. Additionally, in appearing to challenge the district court's refusal to reconsider its denial of the motion to set aside,¹ her arguments are similarly not clear. Under these circumstances, and

¹While the order denying the motion for reconsideration is not appealable, we can consider the court's decision in the context of this appeal from the denial of NRCP 60(b) relief, as the district court considered the motion on the merits and the motion and the order denying it are a proper part of the record on appeal. *See Arnold v. Kip*, 123 Nev. 410, 416-17, 168 P.3d 1050, 1054 (2007).

absent any cogent arguments regarding the alleged improprieties in these determinations, we decline to 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 the appellate court need not consider claims that are not cogently argued on appeal). Accordingly, for the reasons set forth above, we affirm the district court's denial of Steele's motion for NRCP 60(b) relief.

It is so ORDERED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Chief Judge, Second Judicial District Court
Department One, Second Judicial District Court
Kathy Carlene Steele
Holland & Hart LLP/Las Vegas
Washoe District Court Clerk