

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JONG BEOM PARK,
Appellant,
vs.
NATIONSTAR MORTGAGE, LLC,
Respondent.

No. 74246

FILED

OCT 25 2018

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

ORDER OF AFFIRMANCE

Jong Beom Park appeals from a district court order denying his motion to set aside a default judgment in a quiet title action. Eighth Judicial District Court, Clark County; Rob Bare, Judge.


Park purchased certain real property at an HOA foreclosure sale in 2013. Respondent Nationstar Mortgage, LLC, held a first deed of trust on that property. Park filed suit in 2013 to quiet title on the property. In that suit, the court determined that Park purchased the property subject to Nationstar's first deed of trust. Then, in 2016, Nationstar filed suit against Park, again seeking to quiet title on the same property. Though the parties were in contact, Park did not timely respond to Nationstar's complaint, and Nationstar had a default entered against Park. After continued communications, Nationstar applied for default judgment against Park. Park then filed an answer and counterclaims against Nationstar. The district court, however, entered an order granting the default judgment which had the effect of eliminating each of Park's counterclaims in its result. Park then filed a motion to set aside the default judgment. After briefing and argument, the district court denied the motion to set aside the default judgment. This appeal followed.


We review a court's decision regarding a motion to set aside a default judgment for an abuse of discretion. *McKnight Family, LLP v. Adept Mgmt. Servs.*, 129 Nev. 610, 617, 310 P.3d 555, 559 (2013). Park argues that the illness of an associate in his counsel's office that was generally responsible for similar cases is reason enough to set aside the default judgment. *See generally* NRCP 60(b)(1) (allowing the court to set aside a judgment for mistake, inadvertence, surprise, or excusable neglect). This is unpersuasive as the record shows significant contact between Nationstar's counsel and Park's counsel during this suit. *See Galardi v. Jonco Corp.*, 92 Nev. 194, 196, 547 P.2d 667, 668 (1976) (noting "chronicled derelictions and dilatory actions, while accurately classified as inadvertence or neglect, are not such conduct which the district court must necessarily have found excusable"). As such, we determine that the execution of the default judgment was not a result of excusable neglect, and therefore affirm the district court's decision.¹ *See* NRCP 60(b)(1); *see also Otak Nev., LLC v.*

¹To the extent that Park contests the district court's reliance on NRCP 41 in denying the motion to set aside, we conclude that the discussion of NRCP 41 has no impact on our affirmance because the default judgment, by virtue of clarifying Nationstar's title priority, eliminated Park's counterclaims such that the further discussion and purported disposition of the previously adjudicated issues set forth in the counterclaims was irrelevant and ineffective because a final judgment—the default judgment—had been entered as to all claims, including the counterclaims. *See SFPP, L.P. v. Second Judicial Dist. Court*, 123 Nev. 608, 612, 173 P.3d 715, 717 (2007) (citing *Greene v. Eighth Judicial Dist. Court*, 115 Nev. 391, 396, 990 P.2d 184, 187 (1999)) (noting that once a final judgment is entered, the district court lacks jurisdiction to address the merits of a case without first reopening the matter pursuant to the NRCP). Thus, to the extent the district court relied on the application of NRCP 41 to deny Park's motion, we conclude the district court reached the right result, albeit for the wrong reasons. *See Saavedra-Sandoval v. Wal-Mart Stores, Inc.*, 126 Nev. 592, 599, 245 P.3d 1198, 1202 (2010) (noting this could will affirm a district court's order if the right result was reached, even if for the wrong reason).

Eighth Judicial Dist. Court, 129 Nev. 799, 805, 312 P.3d 491, 496 (2013) (noting that evidence that a reasonable mind might accept as adequate to support a conclusion is substantial evidence to support a district court's decision).

It is so ORDERED.


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

cc: Hon. Rob Bare, District Judge
Kang & Associates PLLC
Akerman LLP/Las Vegas
Eighth District Court Clerk