


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

NEVADA NEW BUILDS, LLC, A
NEVADA LIMITED LIABILITY
COMPANY,
Appellant,
vs.
NATIONSTAR MORTGAGE, LLC, A
FOREIGN LIMITED LIABILITY
COMPANY REGISTERED WITH
NEVADA SECRETARY OF STATE,
Respondent.

No. 79772-COA

FILED

MAY 20 2021

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

Nevada New Builds, LLC (NNB), appeals from a district court order dismissing a complaint in a quiet title action. Eighth Judicial District Court, Clark County; James Crockett, Judge.

Respondent Nationstar Mortgage, LLC, initiated a nonjudicial foreclosure sale to foreclose on the first deed of trust on the subject property, which NNB previously acquired from the purchaser at a homeowners' association's (HOA) NRS Chapter 116 foreclosure sale. NNB then sued Nationstar, seeking to quiet title to the subject property. For support, NNB vaguely alleged that it disputed Nationstar's interest in the property. Nationstar moved to dismiss, arguing that NNB's case was barred under the claim preclusion doctrine. In particular, Nationstar argued that NNB's claims were already litigated in a prior action between Nationstar and NNB's predecessor in interest, which resulted in a default judgment for Nationstar, and that insofar as NNB is attempting to assert new claims, those claims could have been brought in the prior action. Over NNB's opposition, the district court granted Nationstar's motion. NNB then moved

for leave to amend its complaint, but the district court denied that motion. This appeal followed.


This court reviews a district court order granting a motion to dismiss on grounds of claim preclusion de novo. *Rock Springs Mesquite II Owners' Ass'n v. Raridan*, 136 Nev. 235, 237, 464 P.3d 104, 107 (2020).

On appeal, NNB maintains that the district court erred by applying the claim preclusion doctrine in the present case, citing to *Boca Park Marketplace Syndications Group, LLC v. Higo, Inc.*, which holds that “claim preclusion does not apply where the original action sought only declaratory relief.” 133 Nev. 923, 926, 407 P.3d 761, 764 (2017). *See Rock Springs*, 136 Nev. at 237, 464 P.3d at 107. NNB reaches this position by arguing that, although Nationstar asserted claims for quiet title and declaratory relief in the prior proceeding, it was actually only seeking a declaratory judgment. We need not consider this issue, however, because NNB does not cite any legal authority to demonstrate or otherwise support its assertion that Nationstar’s quiet title claim constituted a claim for declaratory relief. *See Edwards v. Emperor’s Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (declining to consider issues that are not supported by citation to relevant legal authority). Moreover, Nationstar also asserted a claim for cancellation of instruments in the prior action and NNB fails to address this claim, much less argue that it too was essentially a claim for declaratory relief. As a result, NNB waived any argument on this point. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that arguments not raised on appeal are deemed waived). Thus, NNB failed to demonstrate that the district court erred by dismissing its complaint, *see Rock Springs*,

136 Nev. at 237, 464 P.3d at 107, and we therefore affirm that decision.

It is so ORDERED.¹


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

¹To the extent that NNB seeks review of the district court's denial of its post-judgment motion to amend its complaint, any such arguments are not properly before us as a post-judgment order denying leave to amend a complaint is not independently appealable. See NRAP 3A(b) (listing appealable civil orders); *Taylor Constr. Co. v. Hilton Hotels Corp.*, 100 Nev. 207, 209, 678 P.2d 1152, 1153 (1984) (providing that a right to appeal only exists if a rule or statute authorizes the appeal). Nonetheless, we note that, even if that order was properly before us, the district court lacked authority to grant the motion absent a request to set aside the prior dismissal order. See *Greene v. Eighth Judicial Dist. Court*, 115 Nev. 391, 396, 990 P.2d 184, 187 (1999) (concluding that, once final judgment is entered, the district court lacks jurisdiction to allow amendment of a complaint "unless that judgment is first set aside or vacated pursuant to the Nevada Rules of Civil Procedure"). And while NNB did file a request to alter or amend the dismissal order under NRCP 59(e), that motion reargued the merits of the dismissal order and did not seek to set aside the order for the purpose of filing an amended complaint.

Finally, insofar as the parties raise arguments that are not specifically addressed in this order, we have considered them and conclude that they need not be reached given the disposition of this appeal.

cc: Chief Judge, Eighth Judicial District Court
Eighth Judicial District Court, Dept. 24
Hong & Hong
Akerman LLP/Las Vegas
Eighth District Court Clerk