

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DENNIS BAHAM, AN INDIVIDUAL,
Appellant,
vs.
BAYVIEW LOAN SERVICING, LLC, A
FOREIGN LIMITED LIABILITY
COMPANY; AND BANK OF NEW
YORK MELLON, F/K/A THE BANK OF
NEW YORK AS TRUSTEE FOR THE
CERTIFICATEHOLDERS OF CWALT,
INC., ALTERNATIVE LOAN TRUST
2005-2, MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2005-2,
Respondents.

No. 82621-COA

FILED

APR 20 2022

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

AMENDED ORDER OF AFFIRMANCE¹

Dennis Baham appeals from a district court order dismissing complaints seeking injunctive relief.² Eighth Judicial District Court, Clark County; Nadia Krall, Judge.

¹Having considered Baham's petition for rehearing, for the reasons set forth *supra* note 2, we grant the petition, vacate our February 4, 2022, order, and issue this amended order in its place.

²Baham filed an amended notice of appeal identifying the district court's order denying his motion for reconsideration, which the court entered after Baham had already filed the notice of appeal from the dismissal order. In our original order of affirmance, citing *Arnold v. Kip*, 123 Nev. 410, 416-17, 168 P.3d 1050, 1054 (2007), we noted that an order denying reconsideration is not substantively appealable and is only reviewable on appeal from a final judgment when it was filed before the notice of appeal. On that ground, we declined to reach Baham's arguments concerning the denial of his motion for reconsideration. However, upon further review, we agree with Baham that we misapprehended the extent to which the order denying reconsideration was reviewable on appeal from

Baham filed two complaints seeking injunctive relief against respondents to prevent them from foreclosing on his home. The district court consolidated the actions and ultimately granted respondents' motion to dismiss Baham's complaints on multiple grounds, including that they were barred under the doctrine of claim preclusion and that Baham's request for injunctive relief was moot in light of the fact that respondents had already completed their foreclosure sale. The district court also denied Baham's request for leave to amend, concluding amendment would be futile. Baham then filed a motion for reconsideration, followed by a notice of appeal from the dismissal order. While this appeal was pending, the district court summarily denied the motion for reconsideration.

With respect to the substance of the district court's order of dismissal, we note that Baham wholly fails in his informal brief to address the aforementioned legal grounds relied upon by the district court; instead, he sets forth various reasons why he believes respondents lacked authority to foreclose. In light of Baham's failure to set forth any argument whatsoever concerning the specific grounds relied upon by the district court, he fails to demonstrate that the court erred in dismissing the case. *See Powell v. Liberty Mut. Fire Ins. Co.*, 127 Nev. 156, 161 n.3, 252 P.3d 668, 672 n.3 (2011) (providing that issues not raised on appeal are deemed waived); *Edwards v. Emperor's Garden Rest.*, 122 Nev. 317, 330 n.38, 130 P.3d 1280, 1288 n.38 (2006) (providing that the appellate courts need not consider claims unsupported by cogent argument); *see also AED, Inc. v.*

the final judgment as the product of a timely tolling motion. *See* NRAP 4(a)(4)(C), (6); *AA Primo Builders, LLC v. Washington*, 126 Nev. 578, 585, 589, 245 P.3d 1190, 1195, 1197 (2010). Accordingly, we grant Baham's petition for rehearing, *see* NRAP 40(c)(2), and we address his arguments concerning the order denying reconsideration herein.

KDC Invs., LLC, 307 P.3d 176, 181 (Idaho 2013) (providing that when a district court sets forth multiple grounds for its decision, the appellant must successfully challenge all of them in order to prevail).


To the extent Baham contends reversal is warranted because the district court should have granted his motion for reconsideration, we disagree. The only argument Baham provides on this point—aside from the general arguments concerning respondents’ authority to foreclose referenced and rejected above—is that the district court supposedly violated his due-process rights by failing to hold a hearing on the motion for reconsideration or include specific findings of fact and conclusions of law in the order denying it. But these are not requirements a district court must follow when ruling on such a motion. See NRCP 52(a)(3) (“The court is not required to state findings or conclusions when ruling on a motion under Rule 12 or 56 or, unless these rules provide otherwise, on any other motion.”); EDCR 2.23(c)-(d) (providing that a court may rule on a motion without hearing oral argument, and if it chooses to do so, it must remove the motion from the calendar and enter a minute order reflecting the same). And Baham’s due-process rights were not violated, as he was able to submit his motion to the district court, and he received notice of both respondents’ grounds for opposing it and the district court’s ultimate decision on the matter.³ See *Wilson v. Pahrump Fair Water, LLC*, 137 Nev., Adv. Op. 2, 481 P.3d 853, 859 (2021) (providing that procedural due process is satisfied

³Additionally, we note that Baham fails to articulate any cogent challenge to the arguments respondents presented in their opposition below, upon which the district court presumably relied. See *Edwards*, 122 Nev. at 330 n.38, 130 P.3d at 1288 n.38.

when parties receive notice and an opportunity to be heard). Consequently, we reject Baham's arguments on this point, and we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Gibbons


_____, J.
Tao


_____, J.
Bulla

cc: Hon. Nadia Krall, District Judge
Dennis Baham
Akerman LLP/Las Vegas
Wright, Finlay & Zak, LLP/Las Vegas
Eighth District Court Clerk