

**Givens v. Bryson, No. 66449, Order of Affirmance (Unpublished Disposition, June 17, 2016)**  
**COA unpub**

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The district court has broad discretion in deciding whether to grant or deny an NRC 60(b) motion to set aside a judgment, and Court of Appeals will not disturb that decision absent an abuse of discretion.

An abuse of discretion may include a judgment that was the result of a mistake, inadvertence, surprise, or excusable neglect, substantial rights being materially affected by an irregularity in the proceedings, an order of the court, or an abuse of discretion by which one was prevented from having a fair trial, or that one's substantial rights were materially affected by an accident or surprise which ordinary prudence could not have guarded against.

Here, Givens failed to establish any of the above, and therefore the district court did not abuse its discretion by denying Givens' post-trial motion.

Furthermore, to the extent that Givens challenges the judgment on its merits, he fails to put forth any argument contesting the substance of the district court's findings of fact or conclusions of law.