IN THE COURT OF APPEALS OF THE STATE OF NEVADA

DENNIS BAHAM,
Appellant,
vs.
FIRST AMERICAN TRUSTEE SERVICING SOLUTIONS, LLC, A FOREIGN LIMITED LIABILITY COMPANY; SHELLPOINT MORTGAGE SERVICING, LLC; AND NEW REZ HOME MORTGAGES, LLC,
Respondents.

No. 87392-COA

FILED
MAR 28 2025
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY
DEPUTY CLERK

ORDER OF AFFIRMANCE

Dennis Baham appeals from a district court order granting a motion to dismiss in a foreclosure matter. Eighth Judicial District Court, Clark County; Jacob A. Reynolds, Judge.

Baham's home was foreclosed on in February 2020 after several unsuccessful foreclosure mediation proceedings. Following the foreclosure, Baham was unsuccessful in challenging the foreclosure proceedings in several lawsuits both in Nevada state court and federal court. In the underlying case, Baham filed a complaint in February 2023 against respondents First American Trustee Servicing Solutions, LLC, and NewRez Home Mortgages, LLC, d/b/a Shellpoint Mortgage Servicing, LLC, alleging

25-14274

various causes of action related to the foreclosure proceedings, which he maintained were wrongful, and seeking injunctive relief and to quiet title.[1]

Shellpoint subsequently filed a motion to dismiss pursuant to NRCP 12(b)(5), asserting that Baham was a serial-filer of frivolous litigation and has continued to file bad-faith lawsuits despite numerous courts concluding that his claims lacked merit. Shellpoint argued that Baham's claims were barred by res judicata, were legally incognizable because the foreclosure was valid, and failed on the merits.

Baham did not file an opposition, and the district court thereafter entered a written order granting the motion and dismissing the complaint with prejudice. Specifically, the district court found that dismissal was warranted pursuant to EDCR 2.20(e) based on Baham's failure to respond to the motion. It further determined that Baham's claims were barred by claim preclusion and failed on the merits and that the foreclosure proceedings were proper. Baham appealed that order.

Following the filing of his notice of appeal, Baham filed a motion to reconsider the dismissal, asserting, among other things, that he did not receive notice of the motion to dismiss, and a motion for entry of default judgment. Shellpoint opposed both motions, and the district court entered a written order denying them. Baham appealed that order, and the supreme court dismissed the appeal, concluding that it was without jurisdiction to consider an independent appeal from an order denying a motion for reconsideration or denying a motion for entry of default. *See*

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[1]While the underlying proceedings were pending, Baham was evicted from the residence in May 2023 pursuant to a writ of restitution.

Baham v. First American Trustee, LLC, et al., Case No. 88646, 2024 WL 3504467 (Nev. Jul. 22, 2024) (Order Dismissing Appeal).

On appeal, Baham argues that the district court's order dismissing his complaint should be reversed because the court failed to consider "an abundance of indisputable evidence" relating to the validity of the foreclosure proceedings, including that Shellpoint had no standing to foreclose. Essentially, Baham challenges the propriety of the foreclosure proceedings but does not address the district court's alternative conclusion that claim preclusion barred his claims.

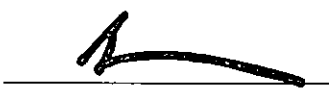
As this court has previously stated, when a district court dismisses a case on multiple grounds and the appellant fails to challenge each alternative ground for dismissal, those challenges are waived, "thereby foreclosing [the] appeal as it concerns the district court's dismissal ruling." *See Hung v. Genting Berhad*, 138 Nev. 547, 547-48, 513 P.3d 1285, 1286 (Ct. App. 2022). And here, Baham's failure to challenge the district court's alternative conclusion that his claims were barred by claim preclusion necessitates affirming the challenged dismissal order. *Id.*

Baham also raises various arguments relating to the denial of his post-notice of appeal motion to reconsider and motion for default judgment, including asserting that he did not receive notice of respondent's motion to dismiss. However, these arguments are not properly before us given that Baham filed these motions after he filed the notice of appeal challenging the order dismissing his case and the district court likewise filed the order denying Baham's motions after the filing of the notice of appeal. *See Arnold v. Kip*, 123 Nev. 410, 416-17, 168 P.3d 1050, 1054 (2007) (noting that arguments made in a motion for reconsideration can be

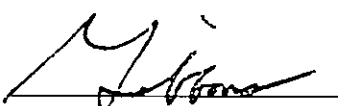
reviewed in the context of an appeal from a final judgment when, among other things, they are properly part of the record on appeal as demonstrated by the motion and order having been filed prior to the notice of appeal). Thus, we do not consider Baham's arguments in this regard.

Accordingly, based on the reasoning set forth above, we

ORDER the judgment of the district court AFFIRMED.[2]



_____, C.J.
Bulla



_____, J.
Gibbons



_____, J.
Westbrook

cc: Hon. Jacob A. Reynolds, District Judge
Dennis Baham
Akerman LLP/Las Vegas
First American Trustee Servicing Solutions, LLC
Natalie L. Winslow
Eighth District Court Clerk

[2]In light of our resolution in this matter, we deny all motions currently pending in this appeal.