

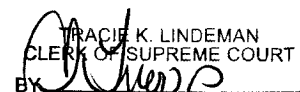
IN THE SUPREME COURT OF THE STATE OF NEVADA

WILLIAM JAMES BERRY, SR.,
Petitioner,
vs.
THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF CLARK; AND
THE HONORABLE ALLAN R. EARL,
DISTRICT JUDGE,
Respondents,
and
WILLIAM JAMES BERRY, JR.; DARIAN
BERRY; AND MARIO BERRY,
Real Parties in Interest.

No. 57111

FILED

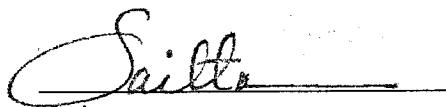
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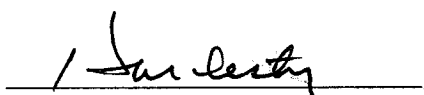
TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

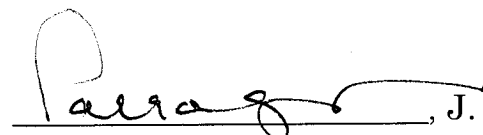
ORDER DENYING PETITION FOR WRIT OF MANDAMUS

This original proper person petition for a writ of mandamus challenges a district court order setting aside a default judgment. Having considered the petition and its attachments, we are not persuaded that this court's intervention by way of extraordinary relief is warranted. NRAP 21(b)(1); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991). Specifically, the older cases relied upon by petitioner, requiring a meritorious defense to set aside a default judgment, were superseded by subsequent rule amendments that removed that requirement. See NRCP 60(b). Moreover, petitioner has not established that he properly served the complaint and summons upon the real parties in interest, as none of the petition's attachments include a proof of service. Accordingly, we

ORDER the petition DENIED.


Saitta, J.


Hardesty, J.


Parraguirre, J.

cc: Hon. Allan R. Earl, District Judge
William James Berry, Sr.
Darian Berry
Mario Berry
William James Berry, Jr.
Eighth District Court Clerk