

IN THE SUPREME COURT OF THE STATE OF NEVADA

EZEKIEL HOWARD,
Appellant,
vs.
JOVAN JAVINSKI ADAMS AND
SOUTHERN GLAZER WINE AND
SPIRITS, LLC,
Respondents.

No. 90578

FILED

MAY 06 2026

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF REVERSAL AND REMAND

This is an appeal from a district court order of dismissal and post-judgment order denying a motion to alter, amend, vacate, or provide relief from judgment. Eighth Judicial District Court, Clark County; Crystal Eller, Judge.

Appellant Ezekiel Howard was purportedly injured after his car collided with a vehicle driven by respondent, Jovan Adams, who was driving for respondent, Southern Glazer Wine and Spirits, LLC (collectively respondents). Appellant sued respondents under a negligence theory and sought punitive damages. Roughly two weeks after the statute of limitations passed, the district court granted respondents' motion to strike the punitive damages prayer for relief. The court alerted appellant that he must file an amended complaint within 14 days of the order, otherwise the complaint would be dismissed with prejudice. Appellant did not file an amended complaint within the court's 14-day filing deadline and the district court subsequently dismissed the action without prejudice.

Appellant then moved for post-judgment relief following the dismissal of his case, arguing that the district court should alter, amend, or

vacate its order under NRCP 59. Appellant additionally sought relief from the judgment under NRCP 60(b)(1). The district court denied the post-judgment motion. This appeal follows.

Appellant argues the district court abused its discretion when it failed to consider the factors set forth in *Yochum v. Davis* in assessing the post-judgment motion for relief. 98 Nev. 484, 653 P.2d 1215 (1982), *overruled on other grounds in Epstein v. Epstein*, 113 Nev. 1401, 1405, 950 P.2d 771, 773 (1997). We review a district court's denial of an NRCP 60(b) motion for an abuse of discretion. *Rodriguez v. Fiesta Palms, LLC*, 134 Nev. 654, 656, 428 P.3d 255, 257 (2018).

A district court may grant a party relief from a final judgment, order, or proceeding, when the moving party demonstrates "mistake, inadvertence, surprise, or excusable neglect," that sufficiently justifies relief. NRCP 60(b)(1). District courts must assess four factors when considering whether the moving party is entitled to NRCP 60(b)(1) relief. *Yochum*, 98 Nev. at 486, 653 P.2d at 1216. To facilitate appellate review, district courts are required to "issue explicit and detailed findings, preferably in writing, with respect to the four *Yochum* factors." *Willard v. Berry-Hinckley Indus.*, 136 Nev. 467, 471, 469 P.3d 176, 180 (2020). Even when neither party raises arguments related to the *Yochum* factors, a district court has a duty to consider such factors before denying a party's NRCP 60(b)(1) motion. *See id.* at 471, 469 P.3d at 180.

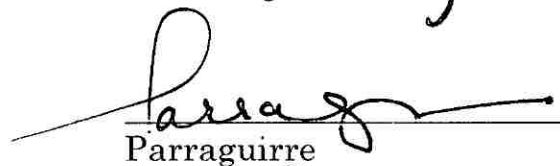
In this case, the district court concluded that under Nevada caselaw, its decision to dismiss appellant's complaint was proper and appellant failed to demonstrate he was entitled to relief under NRCP 59 and NRCP 60. Respondents argue the district court properly denied post-judgment relief because the *Yochum* factors were not applicable here.

Respondents argue that the appellant failed to provide a single legal ground for relief under NRCP 60(b), and no new facts or evidence were presented to justify the appellant's failure to follow the district court's order. The district court considered appellant's excusable neglect, inadvertence, and mistake of counsel arguments and denied them all—thus, *Yochum* was not invoked here. We disagree.

The district court committed reversible error when it failed to consider the *Yochum* factors before denying appellant NRCP 60(b)(1) relief. Specifically, the district court failed to “issue explicit and detailed findings . . . with respect to the four *Yochum* factors.” *Willard*, 136 Nev. at 471, 469 P.3d at 180. Accordingly, we

ORDER the judgment of the district court REVERSED AND REMAND this matter to the district court for proceedings consistent with this order.¹


_____, J.
Pickering


_____, J.
Parraguirre


_____, J.
Bell

¹Because the district court's failure to address the *Yochum* factors requires remand for further proceedings, we decline to consider appellant's challenge on the merits of the district court's order dismissing the case.

cc: Hon. Crystal Eller, District Judge
Paul S. Lychuk, Settlement Judge
The Powell Law Firm
Lewis Brisbois Bisgaard & Smith, LLP/Las Vegas
Eighth District Court Clerk