

IN THE SUPREME COURT OF THE STATE OF NEVADA

RAY MAZOTTI,  
Petitioner,

vs.

THE SECOND JUDICIAL DISTRICT  
COURT OF THE STATE OF NEVADA,  
IN AND FOR THE COUNTY OF  
WASHOE, AND THE HONORABLE  
JAMES W. HARDESTY, DISTRICT  
JUDGE,

Respondents,

and

MOTOR CLASSIC, LTD.,  
Real Party in Interest.

No. 39851

FILED

JUL 22 2002

JANETTE M. SLOAN  
CLERK OF SUPREME COURT  
BY *J. Richards*  
CHIEF DEPUTY CLERK

ORDER DENYING PETITION FOR  
WRIT OF MANDAMUS OR PROHIBITION

This original petition for a writ of mandamus or prohibition challenges a district court order setting aside a default judgment under NRCP 60(b)(1). We have considered this petition, and we are not satisfied that this court's intervention by way of extraordinary relief is warranted. The district court's reliance on SCR 175 to set aside the default judgment was neither a manifest abuse of its discretion nor in excess of its jurisdiction, given petitioner's counsel's knowledge that Motor Classic, Ltd., was attempting to obtaining counsel through its agent.<sup>1</sup> Further, contrary to petitioner's assertion, Motor Classic did not need to show a


---


<sup>1</sup>NRCP 60(b)(1); SCR 175; see also Hertz v. Berzanske, 704 P.2d 767 (Alaska 1985) superseded by statute on other grounds as noted in McConkey v. Hart, 930 P.2d 402, 407 n.4 (Alaska 1996), cited in Brown v. Lange, 21 P.3d 822 (Alaska 2001).

meritorious defense to petitioner's claims to have the default judgment set aside.<sup>2</sup> Accordingly, we deny the petition.<sup>3</sup>

It is so ORDERED.

 J.  
Young

 J.  
Agosti

 J.  
Leavitt

cc: Hon. James W. Hardesty, District Judge  
J. Thomas Hale  
Robert C. Bell  
Washoe District Court Clerk

---

<sup>2</sup>See Epstein v. Epstein, 113 Nev. 1401, 1405, 950 P.2d 771, 773 (1997) (overruling the requirement that a meritorious defense be shown in order to set aside a default judgment).

<sup>3</sup>See NRAP 21(b); Smith v. District Court, 107 Nev. 674, 818 P.2d 849 (1991).