

1                   **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2  
3           **THYSSENKRUPP ELEVATOR**  
4           **CORPORATION**

5                   Petitioners,

6           v

7           **THE EIGHTH JUDICIAL DISTRICT**  
8           **COURT OF THE STATE OF NEVADA IN**  
9           **AND FOR THE COUNTY OF CLARK;**  
          **AND THE HONORABLE JOANNA**  
          **KISHNER, DISTRICT JUDGE**

10                   Respondents,

11           **JOE N. BROWN, an individual, and his**  
12           **wife, NETTIE J. BROWN, an individual**

13                   Real Parties in Interest

**Supreme Court No. 77211**

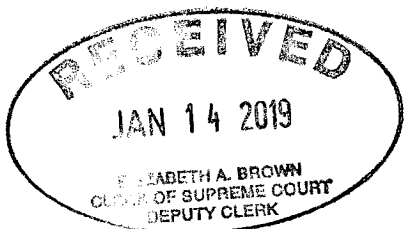
**FILED**

**JAN 15 2019**

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

14  
15                   **MOTION FOR WITHDRAWAL OF PETITION FOR**  
16                   **WRIT OF MANDAMUS**

17                               Rebecca L. Mastrangelo, Esq.  
18                               Charles A. Michalek, Esq.  
19                   **ROGERS, MASTRANGELO, CARVALHO & MITCHELL**  
20                               700 South Third Street  
21                               Las Vegas, Nevada 89101  
22                               Telephone: 702-383-3400  
23                               Facsimile: 702-384-1460  
24                               *Attorneys for Petitioners*



19-02240

1 COME NOW, Petitioners THYSSENKRUPP ELEVATOR  
2 CORPORATION, by and through their attorneys of record, the law firm of  
3 ROGERS, MASTRANGELO, CARVALHO & MITCHELL, and hereby request  
4 that the Petition for Mandamus in the above matter be withdrawn under NRAP 42  
5 (allowing withdrawal of an Appeal or other proceeding).  
6

7 The main argument of the Petition concerns NRCP 14 and the appropriate  
8 time frame for filing a motion to amend the Complaint to bring a cause of action  
9 against a Third-Party Defendant. However, in preparation of the Petition, an error  
10 was made by undersigned counsel concerning the timing of production of emails  
11 between Petitioner and Plaintiff. While this error does not affect the legal merits of  
12 the argument, the error was a factual error which undersigned counsel wishes to  
13 correct. Undersigned counsel has discussed the matter in writing with Plaintiff,  
14 and has agreed to withdraw the Petition, so that the offending argument can be  
15 corrected.

16 Therefore, Petitioner respectfully requests that the Petition be withdrawn.

17 DATED this 10<sup>th</sup> day of January, 2019.

18 ROGERS, MASTRANGELO, CARVALHO &  
19 MITCHELL

20   
CHARLES A. MICHALEK, ESQ.

21 Nevada Bar No. 5721  
22 700 S. Third Street  
23 Las Vegas, Nevada 89101  
24 Attorney for Petitioners

25 THYSSENKRUPP ELEVATOR CORPORATION  
26  
27  
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1 **CERTIFICATE OF SERVICE**

2  
3 Pursuant to NRCP 5(a), and EDCR 7.26(a), I hereby certify that I am an  
4 employee of Rogers, Mastrangelo, Carvalho & Mitchell, and on the 10 day of  
5 January, 2019, a true and correct copy of the foregoing **MOTION TO**  
6 **WITHDRAW PETITION FOR WRIT OF MANDAMUS** was served via  
7 Supreme Court E-Service and/or Hand Delivery, upon the following:

8 **Served Via Supreme Court Electronic Service**

9  
10 Mohamed A. Iqbal, Jr., Esq.  
11 Christopher Mathews, Esq.  
12 101 Convention Center Drive, Suite 1175  
13 Las Vegas, Nevada 89109  
14 Attorneys for Plaintiffs

15 Annalisa N. Grant, Esq.  
16 Alexandra McLeod, Esq.  
17 GRANT & ASSOCIATES  
18 7455 Arroyo Crossing Parkway, Suite 300  
19 Las Vegas, Nevada 89113  
20 Attorneys for Defendant/Third-Party Plaintiff

21 **Served Via Hand Delivery**

22 Judge Joanna Kishner  
23 Regional Justice Center  
24 200 Lewis Avenue  
25 Las Vegas, Nevada 89155  
26 District Court Judge

27  
28 

An Employee of  
Rogers, Mastrangelo, Carvalho & Mitchell