IN THE SUPREME COURT OF THE STATE OF NEVADA

CHEYENNE NALDER, an individual, and GARY LEWIS

Petitioners,

vs.

EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR THE COUNTY OF CLARK THE HONORABLE DAVID JONES AND ERIC JOHNSON, DISTRICT COURT JUDGES,

Respondents,

And
UNITED AUTOMOBILE INSURANCE COMPANY,

Real Party in Interest.

Supreme Court No. 78085

District Court Case No. 07A549111
Consolidated with 18-A-772220
DEPT. NO: XX

REPLY TO ANSWER TO PETITION FOR WRIT OF MANDAMUS

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I. Introduction

In order to justify intervention, UAIC attacks the validity of the 2018 judgment in the 2007 case and the settlement reached in the 2018 case prior to its intervention. UAIC argues for an exception or to overrule the clear Nevada case law and statutory scheme against intervention after settlement or judgment.[1] UAIC attempts to close this circular reasoned loop by conflating the two methods for extending the effect of a judgment available to judgment creditors in Nevada. UAIC hopes this Court will disregard the effect of the statutory tolling scheme applicable to both methods.

The two methods are the common law action on a judgment discussed at length in *Mandlebaum v. Gregovich*, 24 Nev. 154, (Nev. 1897) (which is and always has been the basis of the actions below) and statutory judgment renewal pursuant to NRS 17.214 (which is not a part of the actions below). This is the same order the two methods are listed in the Statute of Limitations in NRS 11.190. UAIC's failure to distinguish or even discuss the *Mandlebaum* case acts as an admission that this writ for relief is well grounded and **must** be granted.

To compound matters for UAIC, it also admits in its briefing before this Court

[1] UAIC wants an exception to the black letter law in Nevada on intervention to protect its interests that were forfeited by it when it breached its duty to defend years ago.

in Case No. 70504, on the second certified question, that the very action brought by Nalder below is appropriate and timely:

> "And in order to continue to serve as evidence for their consequential damages claim, the [2008] judgment had to remain valid and enforceable, which required that the judgment be renewed pursuant to the requirements of NRS 17.214 or, **alternatively, required Mr. Nalder to bring an action on the judgment against Mr. Lewis**..."

(See UAIC response brief on second certified question, page 13.)

Though *Leven v. Frey*, 123 Nev. 399, 168 P.3d 712 (2007), did not deal with any of the tolling statutes associated with NRS 11.190, it is consistent in approving the two methods -- the common law action on a judgment or, alternatively, renewing a judgment through NRS 17.214. "An action on a judgment or its renewal must be commenced within six years[2] under NRS 11.190(1)(a)" *Leven v. Frey*, 123 Nev. 399, 403, 168 P.3d 712, 715 (2007).

In their brief before this Court UAIC goes on to state ". . . [T]his Court's decision in *Mandlebaum v. Gregovich*, 24 Nev. 154, 50 P. 849 (1897) . . . arose from an action filed by a judgment creditor and his assignee against a judgment debtor to recover on an unsatisfied prior judgment obtained by the creditor against the debtor."

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[2] *Leven* did not involve any tolling statutes, as did *Mandlebaum*. The expiration of the statute of limitations on the 2008 judgment was tolled by NRS 11.200 and NRS 11.250 and was tolled and continues to be tolled by NRS 11.300. This tolling extends the time for both an action on the judgment and statutory renewal under NRS 17.214.

Id. at 157. This Court ultimately affirmed the new judgment entered in favor of the judgment creditor and his assignee, holding, in pertinent part, that while the statutory right of execution on the prior judgment had been barred by the passage of more than nine[3] years' time, the statute of limitations on the judgment creditor's right to file an action on the prior judgment was tolled due to the judgment debtor's absence from the state. *Id.* at 158-161." Thus, UAIC has adopted the holding in *Mandlebaum* that is directly on point regarding the continued validity of the judgment and settlement in the two cases below.

II. Facts

a. In Nevada, statute of limitations expire not judgments.

UAIC plays fast and loose with the facts. UAIC constantly refers to an "expired" judgment when referring to the judgment in the 2007 litigation entered

[3] UAIC misstates the age of the *Mandlebaum* judgment. *The Mandlebaum* judgment was 15 years old -- 5 years older than the judgment in this case. "The averments of the complaint and the undisputed facts are that, at the time of the rendition and entry of the judgment in 1882, the appellant was out of the state, and continuously remained absent therefrom until March, 1897, thereby preserving the judgment and all rights of action of the judgment creditor under the same. **Notwithstanding nearly fifteen years had elapsed** since the entry of the judgment, yet, for the purposes of action, the judgment was not barred — **for that purpose the judgment was valid.**" *Mandlebaum v. Gregovich*, 24 Nev. 154, 159 (Nev. 1897). (Emphasis added.) In the present action, it is undisputed that the judgment debtor has been absent from the state since at least 2010 and continues outside the state tolling the statute of limitations pursuant to *Mandlebaum* and NRS 11.300. Having adopted this holding, UAIC is estopped from now arguing it does not apply.

in 2018. Rather than restate the entire history of the litigation between Nalder, Lewis and UAIC, in order to correct UAIC's numerous misstatements, Nalder and Lewis refer the Court to the accurate rendition of the procedural and factual history of this litigation contained in Lewis' Writ, (Supreme Court Case No. 78243). Petitioners will only highlight the facts most relevant to this petition for writ.

b. **The 2008, 2018 and 2019 judgments are valid.**

The 2008 judgment is valid pursuant to *Mandelbaum.* At the time of intervention, and now, the 2007 case had/has a judgment dated 2018, and was/is therefore "facially" valid. The judgment never expired.[4] Even if a judgment in Nevada could or would "expire" with the expiration of the statute of limitations, the statute of limitations on this judgment was tolled by NRS 11.200 (payments on

[4] UAIC has cited **no** Nevada caselaw regarding judgments expiring. The Maryland case cited by UAIC actually holds: "Expiration of the judgment due to the passage of twelve years had to be pleaded as an affirmative limitations defense by the judgment debtor. Thus, it was possible for the judgment to be renewed, even if more than twelve years had passed since its entry, if the judgment debtor did not object to renewal, by raising limitations. See Paul V. Niemeyer Linda M. Schuett, *Maryland Rules Commentary*, 485-86 (2d ed. 1992). With the advent of Rule 2-625, that changed: Under [the new rule] a money judgment automatically expires after twelve years from its date of entry." *Kroop Kurland v. Lambros*, 118 Md. App. 651, 665 (Md. Ct. Spec. App. 1998). Thus, the *Kroop* case cited by UAIC in its brief but not contained in its table of cases is the result of a statutory scheme which does not exist in Nevada.

the judgment), NRS 11.250 (minority), and NRS 11.300 (defendant absent from the State of Nevada).

c. **Nalder retained David A. Stephens.**

After reaching the age of majority, Nalder retained David Stephens, Esq., because of the false allegations made by counsel for UAIC regarding the expiration of the judgment.

d. **Lewis retained E. Breen Arntz.**

Lewis retained E. Breen Arntz, Esq., to defend against Nalder's claims in Nevada when it became apparent that no Nevada attorney selected by UAIC would provide an ethical non-frivolous defense.

e. **David Stephens, Esq., and E. Breen Arntz, Esq., entered into and filed a stipulation resolving the 2018 litigation.**

Because the Mandelbaum case is directly on point and controlling David Stephens, Esq., and E. Breen Arntz, Esq., signed and filed a stipulation settling the 2018 litigation. The stipulation was submitted to the Honorable David Jones for his signature.

f. **UAIC directs Randall Tindall, Esq., to file pleadings on behalf of Lewis without his knowledge or consent.**

This request was in direct violation of Lewis' requests to UAIC to clear all actions with him before filing them. Randall Tindall, Esq., filed pleadings claiming to be representing Lewis in both cases without any authority from Lewis.

g. **UAIC was allowed to intervene in both actions.**

Service of both motions to intervene were defective on their face. (See P. App 5 at 166-172). The only person listed for service on either motion was David A. Stephens, Esq. No method of service was checked on the 2007 case with a 2018 judgment on file. On the 2018 case with the settlement agreement on file the electronic service was erroneously checked because David Stephens, Esq., had not yet registered for electronic service. (See P. App 5 at 166-172). Both motions were granted without a hearing, via minute order stating "no opposition having been filed" even though oppositions were filed. Both motions were granted by the same judge who later recused himself because of a relationship with UAIC's chosen defense counsel at the time of intervention was granted, Randall Tindall, Esq.

h. **The Court did not stay the entire case, either orally or in minutes at the January 9, 2019 hearing.**

Instead, the Court stated on the record it would review some of the issues

again and some would be decided at the subsequent hearing date of January 23, 2019. (5 R. App. 1141 Lines 15-22)[5] Nalder sent an offer of judgment to Lewis in anticipation of a favorable ruling at the January 23, 2019 hearing on Nalder's motion for summary judgment. Lewis was fearful that if he did not accept the offer of judgment, he would ultimately end up with a larger judgment against him. Lewis, through *Cumis/Hansen*[6] defense counsel E. Breen Arntz, Esq., forwarded the offer of judgment to UAIC for comment. However, under the Nevada Rules of Civil Procedure then in effect, neither UAIC nor the judge was required to be noticed. In fact, it is improper to notify the judge of an offer of judgment until after the case is concluded. Lewis then accepted the offer of judgment.

i. **The judgment was validly entered by the Clerk.**

The Court exceeded its jurisdiction and breached the parties' due process and constitutional rights in voiding the judgment at the ex-parte urging of UAIC, not giving any time for a response or a hearing.

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[5] Mr. Douglas: ... we could stay that or grant that. The Court: it's on calendar for next week. Mr. Douglas: Oh, it's on calendar next week. Okay. Is that the 23rd? The Clerk: Yes. Mr. Douglas: Okay. Sorry. We'll deal with it then. The Court: Well, I'll look at it and -- Mr. Douglas: we'll deal with it then. The Court: But all right.

[6] *San Diego Navy Federal Credit Union v. Cumis Insurance Society,* 162 Cal. App. 3d 358 (Cal. Ct. App. 1984); *State Farm Mut. Auto. Ins. Co. v. Hansen,* 131 Nev. Ad. Op. 74, 357 P.3d 338 (2015)

III. A Writ of Mandamus is the only appropriate remedy in this case.

"A writ of mandamus is available to compel the performance of an act that the law requires as a duty resulting from an office, trust, or station or to control an arbitrary or capricious exercise of discretion. *See* NRS 34.160; *Int'l Game Tech., Inc. v. Second Judicial Dist. Court*, 124 Nev. 193, 197, 179 P.3d 556, 558 (2008)." *Gralnick v. Eighth Judicial Dist. Court of Nev.*, No. 72048, at *1 (Nev. App. Mar. 21, 2017).

In the face of all Nevada cases and the clear language of NRS 12.130, stating that intervention is available ***only*** before settlement or judgment, UAIC filed a Response in which UAIC claimed a Writ of Mandamus is not an appropriate remedy in this case. It asks this Court to find NRS 12.130 unconstitutional and overrule every case dealing with insurance company intervention post-judgment. UAIC hopes the Court will ignore all the tolling statutes contained in NRS chapter 11. UAIC hopes this Court will not follow the clear precedent of *Mandlebaum* and disregard the common law right to an action on a judgment.

In the 2007 action, an amended judgment was entered in May of 2018 by the District Court; and, in the 2018 case, a settlement agreement was filed and ***thereafter*** UAIC was allowed to intervene in both cases. UAIC does not dispute these facts. UAIC's response admits that UAIC never intervened in the underlying actions until

after the lower court had already entered judgment and ***after*** the settlement was signed and filed. (*See* Response at P. 15 and 16.)

UAIC's Response completely ignores the clear Nevada law holding that "***The plain language of NRS 12.130 does not permit intervention subsequent to the entry of a final judgment.***" *Lopez v. Merit Insurance Co.*, 109 Nev. 553, 853 P.2d 1266, 1268 (1993). (Emphasis added). Indeed UAIC's response fails to distinguish, address, or even as much as acknowledge the Nevada Supreme Court's holding in *Lopez*. UAIC's response likewise completely ignores the clear mandate found in NRS 12.130 that intervention must be sought before trial in any action.

UAIC then attempts to convolute the clear holding in *Dangberg* that intervention is not allowed after settlement.

> "Additionally, in *Ryan v. Landis*, 58 Nev. 253, 260, 75 P.2d 734, 735 (1938) (quoting *Henry Lee Co. v. Elevator Co.*, 42 Iowa 33 (1918)), we reiterated that: ... intervention must be made before the trial commences. After the verdict all would admit it would be too late to intervene. But **a voluntary agreement of the parties stands in the place of a verdict**, and, as between the parties to the record as fully and finally determines the controversy as a verdict could do.""

Dangberg Holdings. v. Douglas Co., 115 Nev. 129, 139, 978 P.2d 311 (1999)

In *Dangberg,* there was no settlement agreement in the record and so intervention was allowed. In this case, the settlement agreement was signed and filed in the case prior to intervention. Allowing intervention was an abuse of discretion. In the 2007 action, the lower court entered Judgment in favor of Cheyenne Nalder and against the underlying Defendant Gary Lewis in May of 2018. Thereafter, UAIC moved to intervene. The lower court granted the motion to intervene **after** Judgment had been entered. The lower court's actions directly violated the Nevada Supreme Court's holding in *Lopez* that intervention cannot be permitted after judgment has been entered. *Id.* The lower court's error will not be remedied by forcing Cheyenne Nalder to continue to litigate and incur expenses and delays and possible improper rulings by the Ninth Circuit or this Court (See, Supreme Court Case No. 70504).

It would be wholly improper to force Nalder and Lewis to relitigate an action that has already been resolved to the satisfaction of the parties involved in the action. Indeed, this has been the Supreme Court's very point for the last 80 years in holding, "It is not the intention of the statute that one not a party to the record shall be allowed to interpose and open up and renew a controversy which has been settled between the parties to the record, either by verdict or voluntary agreement." *Ryan v. Landis*, 58

Nev. 253, 260, 75 P.2d 734, 735. (1938) (quoting *Henry Lee & Co. v. Cass County Mill & Elevator Co.*, 42 Iowa 33 (1875).

The Nevada Supreme Court reiterated this long held position in *Eckerson v. Rudy*, when yet another recalcitrant insurance carrier sought to intervene and set aside a judgment after it had already been entered. The Court held, "This they may not do by intervention where the controversy is ended and settled to the satisfaction of the parties litigant." *Eckerson v. Rudy*, 72 Nev. 97, 295 P.2d 399, 400 (1956). UAIC's response does not address any of this clear case law and certainly does not provide any authority indicating the Nevada Supreme Court has altered its position that "***in all cases***" intervention must be made before judgment is entered. *See, Ryan v. Landis*, 58 Nev. 253, 75 P.2d 734. (1938) ("***in all cases [intervention] must be made before trial.***") (citing *Kelly v. Smith* 204 Cal. 496, 268 P. 1057 (1928); *see also, Lopez v. Merit Insurance Co.*, 109 Nev. 553, 853 P.2d 1266, 1268 (1993) ("In refusing to allow intervention subsequent to the entry of a final judgment, ***this court has not distinguished between judgments entered following trial and judgments entered by default or by agreement of the parties.***") (Emphasis added).

Not only is UAIC's intervention not timely, it is substantively improper for two reasons. First, its interests are represented by counsel for Lewis. Because there are disagreements about what course of action is ethical and non-frivolous, does not

mean the interests are not represented. An insured's duty of cooperation[7] does not extend to unethical frivolous defenses. UAIC would have to show that Lewis refusal to participate in a frivolous defense was unreasonable and prejudiced UAIC. *Belz v. Clarendon America Insurance*, 158 Cal. App. 4th 615, 625 (Cal. Ct. App. 2007). Second, the United States District Court has found that UAIC breached its duty to defend.[8] Even if intervention had been timely, which it clearly is not, UAIC waived its right to direct the defense, to have cooperation from Lewis and its right to intervene when it refused to defend Lewis and failed to indemnify him. The California court in *Hinton v. Beck*, 176 Cal. App. 4th 1378 (Cal. Ct. App. 2009) has held: "Grange, having denied coverage and having refused to defend the action on behalf of its insured, did not have a direct and immediate interest to warrant intervention in the litigation."

Both actions were ended and settled to the satisfaction of the parties litigant. Yet, the lower court improperly granted both of UAIC's motions to intervene. The only proper remedy is for this Honorable Court to issue a Writ of Mandamus

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[7] Lewis owes no duty of cooperation because UAIC breached the duty to defend long ago. Lewis continues to welcome and cooperate with any ethical non-frivolous defense provided by UAIC.

[8] UAIC has not appealed that determination. The Ninth Circuit has yet to decide whether the federal district court erred in not allowing the breach of the duty to defend to go to the jury as one basis for a bad faith claim.

directing the lower court to vacate its October 19, 2018 Orders and allow both of these matters to yet again be ended and settled to the satisfaction of the parties litigant.

IV. The District Court's Order was a manifest abuse of and arbitrary and capricious exercise of discretion.

This petition included the long held position of the Nevada Supreme Court that "in all cases" intervention must be made before judgment or settlement. *Kelly v. Smith* 204 Cal. 496, 268 P. 1057 (1928); *Ryan v. Landis*, 58 Nev. 253, 75 P.2d 734. (1938); *Eckerson v. Rudy*, 72 Nev. 97, 295 P.2d 399, 400 (1956); *McLaney v. Fortune Operating Co.*, 84 Nev. 491, 499, 444 P.2d 505, 510 (1968) (holding that a post judgment motion to intervene should be denied); *Lopez v. Merit Insurance Co.*, 109 Nev. 553, 853 P.2d 1266, 1268 (1993) ("The plain language of NRS 12.130 does not permit intervention subsequent to the entry of a final judgment.")

UAIC failed to address any of the above noted authority, and did not even attempt to explain how the lower court's actions could be deemed proper in any way, given the plain language of NRS 12.130 that does not allow intervention post judgment. Indeed, the only excuse UAIC argues for is that the passage of time now allows intervention. UAIC argues that tolling statutes don't apply to judgments. UAIC argues that Nevada does not follow the common law. The lower court was

advised of the Nevada Supreme Court's holding that "in all cases" intervention must be made before judgment is entered. Yet, the lower court determined that the Supreme Court's holding applied in all cases, ***except this one.*** The lower court does not have discretion to allow a party to do what the Supreme Court has held "they may not do." See, *Eckerson v. Rudy*, 72 Nev. 97, 295 P.2d 399, 400 (1956) (in discussing post judgment intervention, holding "This they may not do by intervention where the controversy is ended and settled to the satisfaction of the parties litigant.") The lower court's action was an absolute and obvious abuse of discretion.

V. The District Court's actions were in excess of its jurisdiction.

As noted in section "II" above, the Nevada Supreme Court's clear and consistent holdings that "in all cases" intervention must be made before trial, and that intervention is not permitted after settlement or judgment, left the lower court with no authority to set aside the Judgment entered or refuse the settlement reached by the parties given UAIC did not intervene until after both actions had been concluded. UAIC's response does not identify any authority provided by the lower court to openly defy the clear precedent set forth by our Supreme Court as identified above.

VI. UAIC ARGUES FOR THE FIRST TIME ON APPEAL THAT NRS 12.130 IS UNCONSTITUTIONAL.

UAIC continues, in bad faith, to argue issues and change positions. UAIC is not attempting in good faith to change the law but rather in bad faith and purposefully misstating the record, hiding the applicable law, misstating the law, misleading the Court, increasing the costs of litigation and abusing the system. Below UAIC ignored NRS 12.130, preferring not to inform the District Court that it prevented intervention herein and now UAIC brings it forward asking the Supreme Court to find it unconstitutional. This demonstrates that UAIC's arguments below were not in good faith because it could not have been trying to change the law for it did not even acknowledge the law below.

CONCLUSION AND RELIEF SOUGHT

As a result of the foregoing, Nalder and Lewis pray for this Honorable Court to grant relief via a Writ of Mandamus directing the District Court to vacate its order

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allowing UAIC to intervene subsequent to settlement or final judgment, and enter an order denying the motions to intervene.

DATED this 26 day of August, 2019.

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Attorney for Cheyenne Nalder

CERTIFICATE OF COMPLIANCE

I hereby certify that I have read the above and foregoing reply brief and to the best of my knowledge, information and belief, it is not frivolous or interposed for any improper purposes. I further certify that this brief complies with all applicable Nevada Rules of Appellate Procedure, in particular NRAP 28(e), which requires every assertion in the brief regarding matters in the record to be supported by appropriate references to the records. I understand that I may be subject to sanctions in the event that the accompanying brief is not in conformity with the requirements of the Nevada Rules of Appellate Procedure.

DATED this 26 day of August, 2019.

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CERTIFICATE OF SERVICE

Pursuant to NRAP 21(a)(1) and NRAP 25(c)(1), I hereby certify that I am an employee of Stephens & Bywater, P>C., and that on the 26 day of August, 2019, I caused the foregoing **REPLY IN SUPPORT OF WRIT OF MANDAMUS** to be served as follows:

[ ] personal, including deliver of the copy to a clerk or other responsible person at the office of counsel; and/or

[X] by mail; and/or

The Honorable David Jones
Eighth judicial District Court
Department XXIX
Regional Justice Center, Courtroom 3B
200 Lewis Ave
Las Vegas, Nevada 89155
Respondent Judge

The Honorable Eric Johnson
Eighth Judicial District Court
Department XX
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STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

AFFIDAVIT OF DAVID A. STEPHENS

David A. Stephens, ESQ. , first being duly sworn deposes and says:

1. I was, at all times relevant an attorney duly licensed to practice in the State of Nevada and that I have personal knowledge of the facts stated herein.

2. I was retained by Ms. Nalder upon her reaching the age of majority as a result of false allegations made by UAIC regarding the status of her judgment that she seeks to collect from UAIC.

3. I understood that that generally a judgment renewal would be done within 90 days of the expiration of the six year statute of limitations. However I believed, in her case, that tolling statutes apply to the time for renewal and there were at least three statutes that applied in her case. The earliest of these tolling statutes would suggest her renewal affidavit may be arguably too early not filed in a ninety day period in the year 2021.

4. Thus, rather than jumping to a renewal of her judgment that was arguably too early I believed an action on a judgment was a wiser choice. I believed that her judgment formed a valid basis for a common law action on the judgment under the Mandelbaum case that it could be filed from then and up until at least 2021 because the statute of limitations is tolled. Unlike statutory renewal the action on a judgment does not have to be brought within 90 days of expiration. I believed filing to enforce the judgment would provide her with a new judgment even though the old judgment was still valid as the statute of limitations had not run.

5. I thought that that filing to enforce the judgment would be a relatively simply straight forward process because there were no valid defenses and Mandelbaum was a case directly on point, where the judgment creditor brought an action on a judgment that was fifteen

years old and received a new judgment because the defendant did not live in the state of Nevada. In her case the judgment was ten years old and the defendant did not live in the State of Nevada for the last eight years. I could find no contrary authority.

6. I then obtained an amended judgment in the name of my adult client citing the tolling statutes in the application. I then filed my action on the judgment and served the defendant and sent a copy to UAIC. I heard from Steve Rogers. He advised me that he had been retained by UAIC to defend Mr. Lewis in this case.

7. Later, I received notice that Mr. Rogers was not going to represent Lewis and that E. Breen Arntz, Esq., would be representing him as Cumis counsel because UAIC was in litigation with Gary Lewis. Mr. Rogers did not provide any contrary authority to Mandelbaum.

8. Mr. Arntz agreed with the analysis and the clear precedent and we entered into a stipulation for a judgment to settle the matter and save everyone time, additional attorney fees, and inconvenience. I filed the stipulation and submitted it to the judge.

9. Randall Tindall, Esq., filed a motion to set aside the 2018 judgment in the 2007 ccase, and another motion to dismiss my case filed in 2018. I asked Mr. Arntz what was going on in that these actions were causing additional damages to my client. Mr. Arntz informed me that Mr. Tindal was acting solely on behalf of UAIC and without any authorization from Mr. Lewis and that his client had reported Mr. Tindal to the State Bar of Nevada. Even though Mr. Lewis was represented by both defense counsel appointed by UAIC (Tindal) and Cumis/Hansen counsel selected by Mr. Lewis (Arntz) the Court allowed UAIC to intervene and refused (by inaction without reason) to sign a judgment.

10. At the very first actual hearing in the case on January 9, 2019 the Honorable Eric Johnson dismissed one of my client's claims and stated that he would look at other claims in that I still had a pending motion for summary judgment set for January 23, 2019. He did not

orally stay any actions. I sent an offer of judgment to the Mr. Lewis's attorney because now attorney time was piling up and UAIC was abusing the judicial process to delay a decision on the merits which I was sure would be in my client's favor. UAIC had not cited any contrary authority and ignored Mandlebaum and the tolling statutes. The offer of judgment was accepted and filed with the clerk as required by the rules.

11. Judge Johnson then signed an order shortening time and then before I could even file a response and well before the hearing date Judge Johnson issued an order voiding the judgment because he alleges the action was stayed by him. I have never seen this kind of activity without giving an opportunity to be heard. I have never had a Judge refuse to sign a judgment based on a signed stipulation.

FURTHER AFFIANT SAYETH NAUGHT.

David A. Stephens, Esq.

SUBSCRIBED and SWORN to before
me this 20th day of August, 2019.

Notary Public in and for said County and State.

NOTARY PUBLIC
M. L. GOLDSTEIN
STATE OF NEVADA - COUNTY OF CLARK
MY APPOINTMENT EXP. APRIL 13, 2022
No: 01-70903-1