

In the Supreme Court of the State of Nevada

DESIRE EVANS-WAIAU,
individually; GUADALUPE
PARRA-MENDEZ, individually,

Appellants,

vs.

BABYLYN TATE, individually,

Respondent.

Electronically Filed
May 03 2022 11:25 a.m.
Elizabeth A. Brown
Clerk of Supreme Court
Case No. 79424

**APPELLANTS DESIRE EVANS-WAIAU AND GUADALUPE
PARRA-MENDEZ'S NOTICE OF SUPPLEMENTAL AUTHORITY**

NOTICE IS HEREBY GIVEN that pursuant to NRAP 31(e), the following supplemental authority is relevant and pertinent to the legal issues addressed in Appellants Desire Evans-Waiau and Guadalupe Parra-Mendez's ("Appellants") Petition for Review, filed on August 9, 2021.

Rives v. Farris, No. 80271, No. 81052, 138 Nev. Adv. Rep. 17, 2022 Nev. LEXIS 17 (Mar. 31, 2022).

Appellants supplement pages 8 through 12 of their Petition for Review. Appellants cite *Rives* to confirm this Court's recent holding that a motion for new trial is not required to seek a new trial on appeal so long as

the aggrieved party properly preserved the issues or alleged errors committed by the trial court for appeal:

The plain language of our jurisdictional rules confirms that appellants are not required to file a motion for a new trial in district court to preserve their ability to request a new trial on appeal.

...

[T]he plain language of our jurisdictional rule and the preserved error rule make it clear that a party is not required to file a motion for a new trial to preserve the party's ability to request such a remedy on appeal for harmful error to which the party objected.

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Taken together, these authorities make clear that a party need not file a motion for a new trial to raise a preserved issue on appeal or request a new trial as a remedy for alleged errors below. Such a holding is consistent with both the federal approach and our past decisions considering a preserved error without the appellant having moved for a new trial below.

Rives, 138 Nev. Adv. Rep. 17, at *2, 7-8.

DATED this 3rd day of May, 2022.

Respectfully Submitted,

/s/ Kevin T. Strong

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that this document was filed electronically with the Supreme Court of Nevada on the 3rd day of May, 2022. Electronic service of the foregoing document entitled **APPELLANTS DESIRE EVANS-WAIAU AND GUADALUPE PARRA-MENDEZ'S NOTICE OF SUPPLEMENTAL AUTHORITY** shall be made in accordance with the Master Service List as follows:

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