IN THE SUPREME COURT OF THE STATE OF NEVADA

*****

LEONIDAS P. FLANGAS, an individual Appellant vs. PERFEKT MARKETING, LLC, AN ARIZONA LIMITED LIABILITY COMPANY, Respondent.	**Case No. 81385**

APPELLANT'S REPLY BRIEF

ROBERT L. EISENBERG, ESQ.
Nevada Bar No. 0950
LEMONS, GRUNDY & EISENBERG
6005 Plumas St., Third Floor
Reno, Nevada 89519
Telephone (775) 786-6868
rle@lge.net

IAN CHRISTOPHERSON, ESQ.
Nevada Bar No. 3701
FLANGAS LAW FIRM, LTD.
600 South Third Street
Las Vegas, Nevada 89101
Telephone (702) 372-9649
iclaw44@gmail.com

ATTORNEYS FOR APPELLANT

TABLE OF CONTENTS

TABLE OF AUTHORITIES

CASES **PAGE NO.(S)**

TABLE OF AUTHORITIES (cont'd.)

CASES **PAGE NO.(S)**

RULES AND STATUTES **PAGE NO.(S)**

SECONDARY SOURCES **PAGE NO.(S)**

ARGUMENT

A. INTRODUCTION

Respondent argues that notice was properly given, and thus due process was satisfied. RAB 17. In *Tulsa Professional Collection Services v. Pope,* 485 U.S. 478, 485, 108 S. Ct. 1340, 1344 (1988), the United States Supreme Court held that due process extends to notice to protect property, and held that actual notice must be given when the identity or location of the party entitled to the notice can be ascertained through reasonably diligent efforts.

Failure to comply with the due process requirements for service voids the registration of the foreign judgment in the present case, and it was error by the district court not to strike the filing. Failure to timely effectuate service can result in the voiding of the registration and results in striking the pleading not duly served as required. As such, Respondent's foreign judgment should be stricken because Appellant was not given either statutorily required notice or due process.

B. APPELLANT WAS DENIED DUE PROCESS, WHICH REQUIRES REVERSAL AND STRIKING THE REGISTRATION

Respondent asserts: "Appellant's arguments that his right due process [sic] (as-applied) have been violated by the Nevada judgment, and the UEFJA, are without merit." RAB 17. However, in *Pope*, *supra*, the United States Supreme Court held that an "elementary and fundamental requirement of due process in any proceeding" is notice reasonably calculated to apprise interested parties of the action,

to afford them an opportunity to be heard. 485 U.S. at 484. Actual notice to the adverse party is "a minimum constitutional precondition" to due process where the adverse party's name and address are reasonably ascertainable. *Id.* at 485. Respondent's argument repeating that it complied with the requirements of NRS 17.360 [*E.g.* RAB 20, 24, 25, and 27] and attempting to show that Appellant's support is either "misplaced" or "inapplicable," fails to address or explain why it chose not to conduct minimum due diligence to ascertain Appellant's address, in order to provide actual notice via mail to Appellant – until after the Arizona Judgment became dormant, thereby depriving Appellant of due process.

1. Actual notice is a minimum constitutional precondition

The United States Supreme Court clearly set the bar for service satisfying procedural due process:

> [A]ctual notice is a minimum constitutional precondition to a proceeding which will adversely affect the liberty or property interests of *any* party, whether unlettered or well versed in commercial practice, **if its name and address are reasonably ascertainable.**

Pope, supra at 485 (italics emphasis in original; bold emphasis added) quoting *Mennonite Board of Missions v. Adams,* 462 U.S. 791, 798-800, 103 S. Ct. 2706, 2711-12 (1983) ("[B]ecause the mortgagee could have been identified through

///

///

///

'reasonably diligent efforts,' the Court concluded that due process required that the mortgagee be given actual notice.") (internal citations omitted).[1]

Here, the record reflects there was no effort to ascertain "promptly" Appellant's address for service as required by NRS 17.360(2), and that the address was easily ascertainable as when inquiry was made at Appellant's law office. NRS 17.360(2) requires that the notice given to the judgment debtor must be "promptly" done upon the filing of the foreign judgment.

Under *Pope*, *supra*, it is clear that the Respondent failed to satisfy its due process and statutory obligation to give prompt notice as required by NRS 17.360(2), and Respondent thereby delayed notice to Appellant until after the Arizona Judgment was dormant, which resulted in Appellant losing the ability to litigate any defenses which only could have been raised in Arizona.

Nevada case law is consistent with the Supreme Court's rationale in *Pope.* This Court has stated, "[a]lthough impracticable and extended searches are not required, substitute service is available only 'where it is not reasonably possible or practicable to give more adequate warning.'" *Browning v. Dixon,* 114 Nev. 213, 217,

---

[1] The *Pope* opinion cited this court's decision in *Continental Insurance Co. v. Moseley*, 100 Nev. 337, 683 P.2d 20 (1984), as an example of an decision requiring more than service by publication. *Pope*, 485 U.S. at 484. In *Continental*, this court held that "mere constructive notice afforded inadequate due process to a readily ascertainable [creditor of an estate]." 100 Nev. at 338, 683 P.2d at 21.

954 P.2d 741, 743 (1998), quoting *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 317, 70 S. Ct. 652, 658 (1949). "An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.". *Browning*, 114 Nev. at 217, 954 P.2d at 743 (quoting *Mullane*).

The *Browning* Court also found that substitute service on an operator of a motor vehicle involved in a crash "is efficacious only if the plaintiff first demonstrates that, after due diligence, the resident defendant cannot be found within the state." *Browning, supra* at 217, 954 P.2d at 743; *see also Covelo Indian Cmty. v. FERC*, 895 F.2d 581, 587 (9th Cir. 1990) ("[S]ince *Mullane* this requirement has meant that only actual notice to interested parties is reasonable under the circumstances when such parties' names and addresses are reasonably ascertainable."); *Richmond v. United States*, 172 F.3d 1099, 1103 (9th Cir. 1999) ("'Actual notice is a minimum constitutional precondition to a proceeding which will adversely affect the liberty or property interests' of a creditor in bankruptcy."); *Sierra Dev. Co. v. Chartwell Advisory Grp., Ltd.,* 2016 WL 2641789 at *3 (D. Nev. 2016) ("Notice is required where a creditor's identity is known or reasonably ascertainable by the debtor. That's *Tulsa Professional Collection Services, Inc. v. Pope*...").

Here, there was no due process afforded to Appellant when notice was mailed to a five-year-old address, despite the fact that Appellant's name and address were "reasonably ascertainable." The record is clear that Respondent undertook no diligence whatsoever in attempting to ascertain Appellant's "most recent or most up-to-date" address and one that is "generally recognized." *Jones v. Urbanski*, 220 WL 6270917 (Nev., October 23, 2020; No. 78089, 78094; unpublished disposition). Appellant is an attorney in Las Vegas with a website[2], a listing on the State Bar website[3], and a yellow pages entry.[4] Respondent could have easily discovered his most current address in a short time online.[5] Nor did Respondent undertake any diligence whatsoever in attempting to ascertain if the address where it attempted service was the "place where mail or other communication is sent." *Id.*

The fact that a five-year-old address was used by Respondent demonstrates by itself that no reasonable due diligence was done to ascertain Appellant's address. A simple Google search or search of social media sites must be considered as a basic minimum effort for the "reasonable diligent efforts" mandated under *Pope* and *Continental.* In *State v. Lebrick*, 223 A.3d 333, 349-50 (Conn. 2020), the court held

---

[2] http://flangascivillawfirm.com/contact/.

[3] https://nvbar.org/for-the-public/find-a-lawyer/?usearch=flangas.

[4] https://www.yellowpages.com/las-vegas-nv/mip/flangas-law-firm-ltd-504557640.

[5] A simple Google search of "Leonidas Flangas address Las Vegas" pulls up Appellant's business and home address and not an address five years old.

that an officer's failure to use a "basic Google search" or social media sites showed a lack of diligence in trying to locate a witness. "In the digital age, a vast amount of information is nonterrestrial and borderless," enabling parties "to do more, and to do it better, faster, and cheaper than before;" and with modern computers, "[a] vast amount of information can be accessed in a short amount of time using minimal physical effort" to locate a person. *Id.* at 350 (internal quotations and citations omitted).

2. Respondent cites no Nevada law in support of its argument

Appellant contends that when a foreign judgment was enforceable but not served until after the foreign judgment expired, the judgment debtor has been deprived of the right to raise defenses in the state where the judgment originated, under the UEFJA, thus denying him due process. This Court has noted:

> An elementary and fundamental requirement of due process in any proceeding which is to be accorded finality is notice reasonably calculated, under all the circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections.

Grupo Famsa v. Eighth Judicial Dist. Court, 132 Nev. 334, 337, 371 P.3d 1048, 1050 (2016), quoting *Mullane, supra.*

///

///

///

3. To satisfy statutes and due process, Respondent was required to provide notice to a valid address

NRS 17.360(2) requires prompt notice to the judgment debtor and to the judgment debtor's attorney of record, if any, each *at his or her last known address by certified mail*, return receipt requested. (Emphasis added).

In Respondent's Declaration of Attempted Service, it notes four attempts to serve Appellant at 3245 South Tioga Way, Las Vegas, Nevada 89117. 1 A.App. 88-89. These attempts were in March 2019, more than a month after Respondent filed the judgment in Nevada. Appellant was eventually served approximately three months later on June 6, 2019, after the Arizona judgment had expired. Respondent's brief fails to identify anywhere in the appendix showing that Respondent made reasonable efforts – or any efforts at all, for that matter – during this three-month time frame, to locate Appellant. This indicates either willful ignorance or a clear failure to "reasonably ascertain" Appellant's address and supports a conclusion that the failure was a deliberate effort to deprive Appellant of due process. Only after the Arizona judgment had already become dormant did Respondent finally ascertain the correct address for service and provide notice by serving Appellants. By that time, Appellant had already lost the ability to contest the judgment in Arizona and enforce the settlement agreement.

Appellant had not resided in the Tioga Way house for years. Nonetheless, in Respondent's view a cursory effort to find who is living in a house is above and

beyond what is required by the statute. Following Respondent's logic, the statute does not require any due diligence to ascertain the current address of the judgment debtor. To be more precise, in Respondent's case, it is not a lack of due diligence—it is no diligence whatsoever. Respondent admits that it "*was not able to obtain a return receipt or other proof that the certified mail was delivered to Appellant.*" RAB at 1. Therefore, Respondent admits that it was not able to obtain a return receipt. As a consequence, Respondent failed to comply with the statute.

This Court explains in *Jones v. Urbanski*, *supra*, that NRS 17.214(3) does not define the term "last known address." The Court opined that "[g]enerally, 'last' is the 'next before the present: most recent' and the 'most up-to-date,' and 'known' means 'generally recognized.'" 2020 WL 6270917 at *1, citing LAST, MERRIAM-WEBSTER ONLINE DICTIONARY (2020); KNOWN, MERRIAM-WEBSTER ONLINE DICTIONARY (2020). Furthermore, this Court held that an "address" is "[t]he place where mail or other communication is sent." *Id., citing* ADDRESS, BLACK'S LAW DICTIONARY (11th ed. 2019). Lastly, the *Jones* court stated that "certified mail" means "[m]ail for which the sender *requests* proof of delivery in the form of a receipt signed by the addressee." *Id.,* citing MAIL, BLACK'S LAW DICTIONARY (11TH ed. 2019) (emphasis by the Court). As such, the Court stated:

> [A]ccording to its plain text, to comply with NRS 17.214(3), *a judgment creditor must send the affidavit of renewal to (1)* ***the most recent or most up-to-date,*** (2) generally recognized, (3) place where

> mail or other communication is sent, (4) with a request for proof of delivery in the form of a signed receipt by the addressee.

Id. (emphasis added). In addition, the *Jones* court held: That a judgment debtor disputes an address does not prevent the address from being 'generally recognized.'" *Id.* at *2. Here, Respondent did not send the judgment to the "most recent or most up-to date" address but rather to a five-year old address—despite the fact that a simple cursory internet search would have given Respondent the most recent or most up-to-date address of Appellant in a matter of minutes.

This Court in *Farnow v. Dep't 1 of Eighth Judicial Dist. Court,* 64 Nev. 109, 123, 178 P.2d 371, 378 (1947) cited *Spoturno v. Woods,* 192 A. 689, 694 (Del. 1937) with approval. The *Spoturno* court held:

> Due process of law, as applied to notice of proceedings under a statute resulting in judgment, means notice directed by the statute itself, and not a voluntary or gratuitous notice resting in favor or discretion; and *the statutory provisions must not leave open clear opportunities for a commission of fraud or injustice, and must be such as to indicate that, if complied with, there is a reasonable probability, the defendant will receive actual notice.*

192 A. at 694 (emphasis added).

Respondent continues its redundant refrain that it was not required to personally serve Appellant. Although this is superficially correct when reading the words of the statute, due process mandates "actual notice" when "the name and address are reasonably ascertainable." This means that Respondent was required to

serve the notice by mail to the correct address that was ascertainable through using reasonable diligent efforts.

Respondent argues that Appellant's claims about service being delayed 122 days, Respondent's failure to verify notice of service, and Respondent's failure to comply with NRS 17.360, are all without merit. RAB 24. However, Respondent misses the point: Appellant asks this Court to determine whether the Uniform Enforcement of Foreign Judgment Act violates due process as applied, arguing that when a foreign judgment is enforceable and not served until after the foreign judgment expires, it deprives a judgment debtor of the fundamental right and ability to raise defenses under the UEFJA in the judgment's originating state. The Supreme Court has held that "[t]he notice must be of such nature as reasonably to convey the required information, and *it must afford a reasonable time for those interested to make their appearance*." *Mullane, supra,* 339 U.S. at 314 (internal citations omitted) (emphasis added). NRS 17.360(2) requires that the notice served via mail be done expeditiously in a "prompt" time fame. Respondent's actual notice was not given promptly as required by statute nor even in a reasonable time as required under *Mullane*.

As a result, due process for Appellant is denied. Respondent makes no legal argument regarding this question—but for its redundant and tedious response that it complied with the statute.

4. Appellant's statements of fact and law in support of his due process claim are accurate.

Respondent claims that "Appellant makes multiple inaccurate statements of fact and law in connection with his claim that he was denied due process. He also makes certain arguments that are not supported by any authority at all." RAB 15. An analysis of this shows such a statement is not accurate.

Respondent is incorrect in its contention that Appellant never asserted Respondent's failure to comply with NRS 117.360. From the onset of this case, Appellant has contended that Respondent delayed "serving" the pleadings to effectuate a so-called "pocket filing" and thus deny Appellant due process. E.g., 1 A.App. 34-36 (due process), 94 (due process), 138-143 (due process), 180 (due process), 189 (pocket filing), 191 (due process), 192-93 (pocket filing and due process), 196 (due process), 200 (pocket filing), 202 (pocket filing and due process).

Similarly, Respondent contends that "in the district court, Appellant never asserted Respondent did not comply with NRS 117.360." RAB 15. However, Appellant asserted the gist of this statutory argument in nearly every pleading and motion he filed. For example, "Due process does not allow an Arizona judgement be domesticated in Nevada prior to notice to defendant." 1 A.App. 34. Appellant cited and relied upon NRS 17.360 twice at 1 A.App. 140. Even Respondent itself discussed this statute in papers Respondent filed in the district court. 1 A.App. 44 (citing statute four times), 45 (citing statute), 127 (citing statute).

Respondent bases its response in this appeal on the fact that it "indisputably satisfied the Notice requirements of NRS 17.360." RAB 16. This simply not correct.

C. RESPONDENT FAILED TO REASONABLY ASCERTAIN OR EXERCISE DUE DILIGENCE IN PROVIDING APPELLANT NOTICE, THUS DENYING HIM DUE PROCESS

NRS 17.360(2) states:

> *Promptly* upon filing the foreign judgment and affidavit, the judgment creditor or someone on behalf of the judgment creditor shall mail notice of the filing of the judgment and affidavit, attaching a copy of each to the notice, to the judgment debtor and to the judgment debtor's attorney of record, if any, each *at his or her last known address by certified mail, return receipt requested.* (Emphasis added).

1. Respondent failed to provide the notice required per NRS 17.360

Respondent failed to exercise due diligence in notifying Appellant of the domesticated judgment. Respondent states in its brief that it mailed the Notice via U.S. Postal Service Certified Mail to Appellant and his Arizona counsel, which was received on February 11, 2019. RAB 1.

Though NRS 17.360 only requires giving notice as opposed to "service," as *Pope* held, due process applies when "notice" is required to protect a person's property. Here, Appellant's address was easily ascertainable with a cursory look on the internet or legal directory that would have taken minutes. At a bare minimum, Respondent was required to spend a reasonable amount of time under due process to ascertain Appellant's "most recent or most up-to-date" address to mail the filing

of the domesticated judgment which would have given Appellant "actual notice" in a timely fashion, that would have been "prompt." *See Jones v. Urbanski, supra* ("according to its plain text, to comply with NRS 17.214(3), a judgment creditor must send the affidavit of renewal to (1) the most recent or most up-to-date, (2) generally recognized, (3) place where mail or other communication is sent, (4) with a request for proof of delivery in the form of a signed receipt by the addressee."); NRS 17.360(2) ("Promptly upon filing the foreign judgment and affidavit...").

Respondent also states it "*was not able to obtain a return receipt or other proof that the certified mail was delivered to Appellant.*" RAB 1 (emphasis added). Respondent then waited more than three months, and until after the Arizona judgment had expired, to "serve" the notification, which was not "promptly." Thus, Respondent failed to comply with the statute. Under Nevada law, the judgment creditor "must upon filing the foreign judgment and affidavit, ***promptly*** *give notice to the judgment debtor* and *verify to the court that the notice was given.*" *Kabana, Inc. v. Best Opal, Inc.,* 2007 WL 556958 at *3 (D. Nev. 2007), citing NRS 17.360 (emphasis added). Simply stated, service is specified by statute, and Respondent failed to adhere to the requirements of the statute. The statute states that notice must be promptly mailed to last known address. Thus, if plaintiff did not (i) promptly mail the notice to a (ii) valid last known address, the service is not effective.

In discussing NRS 17.360, Respondent contends that *"[t]his section allows time for the judgment debtor to receive the Notice* and, if appropriate, to oppose the domestication of the foreign judgment as a Nevada judgment." RAB 9 (emphasis added). Respondent concedes that a judgment debtor is entitled to notice under the statute. However, it appears that Respondent seeks to have this Court pronounce that notice to a judgment debtor three months after filing the application for the Arizona judgment to an address not ascertained with any due diligence satisfies the requirements of NRS 17.360.

2. Despite Respondent's other efforts to give notice to Appellant, it failed to comply with the statute

Respondent attempts to distinguish *Price v. Dunn,* 106 Nev. 100, 787 P.2d 785 (1990) "as that case involved service by publication of the original summons and complaint and not service of a Notice of Foreign Judgment by certified mail." RAB 20, fn 3. Appellant cited this case for the proposition that the Due Process Clause requires a party to exercise due diligence in notifying a defendant of a pending action. AOB 21, citing and quoting *Price* for the holding that "[w]here other reasonable methods exist for locating the whereabouts of a defendant, plaintiff should exercise those methods"); *Price*, 106 Nev. at 103, 787 P.2d at 787. From this argument, it appears that Respondent is suggesting to this Court that <u>no</u> due diligence is required when applying NRS 17.360, and that the requirements of due process are not a concern when domesticating a foreign judgment.

Furthermore, as the *Browning* Court explained, in *Price v. Dunn:*

> [T]he plaintiff attempted to discover the defendant's address through the telephone book, inquiries at the power company, and a conversation with the defendant's stepmother. This court concluded that, *despite the plaintiff's technical compliance with NRCP 4(e)(1)(i),* "her actual efforts, as a matter of law, fall short of the due diligence requirement to the extent of depriving [the defendant] of his fundamental right to due process." This court also stated that "[w]here other reasonable methods exist for locating the whereabouts of a defendant, plaintiff should exercise those methods."

Browning, 114 Nev. at 218, 954 P.2d at 744 (internal citations omitted) (emphasis added). *See also Gassett v. Snappy Car Rental,* 111 Nev. 1416, 1419-20, 906 P.2d 258, 261 (1995) (The attempt at service "consisted of one visit to an old address and service by publication."). In *Gassett*, the judgment creditor *"did not exercise due diligence"* in trying to serve the judgment debtor. *Id.,* at 1419, 906 P.2d at 261 (emphasis added).

As Appellant observed in its Opening Brief, under Nevada law, the judgment creditor must upon filing the foreign judgment and affidavit, *promptly* give notice to the judgment debtor and *verify to the court that the notice was given.* AOB 6, 22; *citing Kabana, supra* at *9 and NRS 17.360. Here, Respondent waited 122 days, which cannot constitute "prompt" service. Moreover, Respondent failed to verify to the Court that the notice was given. As a result, service of the judgment and due process notice were delayed past the five-year limitation on renewal in Arizona, and the judgment lapsed before service on Appellant. It is clear from the record and from

Respondent's own admission that any purported verification was not accomplished until three months after it had submitted pleadings to the district court to domesticate the Arizona Judgment. Therefore, Respondent failed to properly comply with the requirements of NRS 17.360.[6]

D. THERE IS NO MERIT TO RESPONDENT'S CRITICISM REGARDING THE SETTLEMENT AGREEMENT

Respondent attacks Appellant's references to the agreement that resulted in the stipulated judgment in Arizona. RAB 11. Respondent's primary argument is that the agreement "is not part of the record on appeal and it was not introduced in the proceedings below." *Id.* Appellant had referred to the agreement at AOB 2-5.

Although no written agreement was offered into evidence as an exhibit in the proceedings in the district court, there were numerous factual references supporting

---

[6] Moreover, in *Matter of Discipline of Padgett,* 2021 WL 2070641 at *1 (Nev., May 21, 2021; No. 81918; unpublished disposition), this Court recently described service of process efforts that were sufficient to satisfy due process. In *Padgett*, copies of the relevant documents were served via regular and certified mail at Padgett's SCR 79 mailing and email addresses. Additionally, the State Bar sent copies of other documents by mail and email to Padgett's SCR 79 addresses. The State Bar also sent Padgett the default order by mail and email and sent to him by email the scheduling order, the order appointing hearing panel, and notice of amended hearing date. It also unsuccessfully attempted six times to serve Padgett personally with all of the documents, twice at his SCR 79 address; once at his former home address; and three times at his current home address. The State Bar also sent the notice of formal hearing by first class mail to Padgett's SCR 79 mailing address, and by email. These efforts to provide notice to Padgett satisfied due process.

Appellant's discussions regarding the agreement. For example, the Arizona judgment itself does not reflect that it resulted from a trial or any adversarial proceeding, and in fact, it states that the judgment was rendered "pursuant to the parties' settlement agreement." 1 A.App. 5.

Furthermore, Appellant discussed the agreement in a Supplemental Brief below, specifically referring to the agreement, describing it, and noting that it should be binding. E.g., 1 A.App. 132, 134. And Appellant argued that "the Settlement Agreement contained terms that prevented the Plaintiffs from executing on the Judgment." 1 A.App. 142. Also, Appellant argued:

> The parties agreed to an Arizona Judgment being entered on the express terms of the Settlement Agreement. Plaintiff has not demonstrated the right to enforce the Judgment based on non-compliance of the Settlement Agreement. There is no provision or agreement that the Arizona Judgment can be domesticated in Nevada, the known residence of Defendant Flangas at the time the Settlement Agreement and Judgment entered.

1 A.App. 147.

Also, at the hearing on Appellant's motion to strike the judgment, Appellant's counsel argued: "What you have is you have a foreign judgment that's expiring in Arizona. And at the 11th hour, *rather that [sic] renew it in Arizona, which is what they agreed to in the settlement agreement, they decide, well, now we want go after Mr. Flangas in Nevada, his home jurisdiction."* 1 A.App. 189 (emphasis added). Further, trial counsel stated:

> So what you have is you have a Plaintiff here who violates the settlement agreement. The agreement was premised on a five-year period to collect in Arizona. He made payments pursuant to that. They want to sue him, sue him on a breach of that contract.

1 A.App. 190. It is clear from this record that Appellant in fact did raise these issues in the district court.

CONCLUSION

Nevada's UEFJA governs the procedures for an entity or person seeking to domesticate and execute upon a foreign judgment in Nevada. To invoke the UEFJA's procedures, the entity or person seeking recovery of the foreign judgment may file "an exemplified copy of [the] foreign judgment . . . with the clerk of any district court of this state." NRS 17.350. The party seeking recovery of the foreign judgment in Nevada then *must comply with the UEFJA's filing and notice requirements.* NRS 17.360.

Here, Respondent waited for months to serve Appellant after the application to domesticate the judgment was filed and after the expiration of the judgment in Arizona.

In effect, Respondent would have this Court hold that a judgment creditor can obtain a judgment without complying with well-established due process on service. The service requirement for UEFJA in Nevada requires the judgment creditor to ***promptly*** mail notice of the filing of the judgment and affidavit to the judgment

debtor and to the judgment debtor's attorney of record, each at his last known address by certified mail. NRS 17.360(2). Respondent failed to satisfy the requirements of the UEFJA because it did neither mailed the notice promptly; nor did it mail it to Appellant's last known address. This failure violated Appellant's due process.

The district court's judgment should be reversed in favor of Appellant because Respondent domesticated a foreign judgment that was no longer valid and legally enforceable. The judgment was required to be renewed pursuant to Ariz. Rev. Stat. § 12-1612(B).

DATED: Sept. 2, 2021

Robert L. Eisenberg

ROBERT L. EISENBERG, ESQ. (SBN 950)
LEMONS, GRUNDY & EISENBERG
6005 Plumas St., Third Floor
Reno, Nevada 89519
Telephone (775) 786-6868
rle@lge.net

Ian Christopherson, Esq. (SBN 3701)
FLANGAS LAW FIRM, LTD.
600 S. 3rd Street
Las Vegas, Nevada 89101
Telephone: (702) 384-1990
iclaw44@gmail.com

CERTIFICATE OF COMPLIANCE

I hereby certify that this brief complies with the formatting requirements of NRAP 32(a)(4), the typeface requirements of NRAP 32(a)(5) and the type style requirements of NRAP 32(a)(6) because this brief has been prepared in Times New Roman in 14 point font size.

I further certify that this brief complies with the page or type-volume limitations of NRAP 32(a)(7)(A)(ii) because it contains 4,552 words.

Finally, I hereby certify that I have read this appellate brief, and to the best of my knowledge, information, and belief, it is not frivolous or interposed for any improper purpose. 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 page and volume numbers, if any, of the transcript or appendix where the matter relied on is to be found. 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: Sept. 2, 2021

Robert L. Eisenberg
ROBERT L. EISENBERG

CERTIFICATE OF SERVICE

I certify that I am an employee of LEMONS, GRUNDY & EISENBERG and that on this date the foregoing document was filed electronically with the Clerk of the Nevada Supreme Court, and therefore electronic service was made in accordance with the master service list as follows:

Ian Christopherson
600 S. Third Street
Las Vegas, Nevada 89101
702-372-9649 telephone

Vernon Nelson
The Law Office of Vernon Nelson
6787 W. Tropicana Ave., Ste. #103
Las Vegas, Nevada 89103
702-476-2500 telephone

DATED: Sept. 2, 2021

Margie Nevin
EMPLOYEE OF LEMONS, GRUNDY & EISENBERG