

Case No. 82279

IN THE SUPREME COURT OF THE STATE OF NEVADA

PARVIZ SAFARI, MANDANA ZAHEDI, NOOSHIN ZAHEDI

Appellants,

v.

HAMID MODJTAHED, MOHAMMAD MOJTAHED

Respondents,

Electronically Filed
Jun 30 2021 11:13 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

**STIPULATION TO ALLOW FOR CORRECTION OF FINAL JUDGMENT
TO CORRECT OVERSIGHT AND/OR OMISSION PURSUANT TO
NRC 60(A)
- and -
TO STAY THE DEADLINE FOR APPELLANT TO RESPOND TO THE
COURT'S APRIL 20, 2021 ORDER TO SHOW CAUSE PENDING
RESOLUTION**

The parties, by and through their undersigned counsel of record, hereby stipulate and agree, as follows:

1. Pursuant to EDCR 2.67(b)(4), prior to the trial in this matter, Respondents filed a pretrial memorandum in the District Court on May 17, 2019, which included “[a] list of all claims or defenses to be abandoned.” Respondents’ pretrial memorandum stated that Respondents were voluntarily abandoning their claims against UTSafety, LLC (“UTSafety”) pursuant to EDCR 2.67(b)(4). *See*

Pretrial Memorandum, attached as Exhibit 1 to Respondents' Response to Order to Show Cause filed herein on June 1, 2021, p. 11.

2. Respondents' claims against UTSafety were indeed abandoned and were not tried.

3. Due to an oversight and/or omission, the district court failed to include in its final judgment dated September 23, 2020 (the "final judgment"), that the Respondents' abandoned claims against UTSafety were formally dismissed.

4. There is no dispute amongst the parties that the claims against UTSafety were indeed abandoned prior to trial, and that the district court, by oversight or omission, simply failed to note in the final judgment that those claims were indeed dismissed pursuant to the abandonment.

5. The parties agree that the final judgment was intended to be a final judgment as to all claims and all parties that disposed of all claims against all parties, including UTSafety.

6. NRCP 60(a) provides that

[t]he [district] court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. . . **But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.**

Emphasis added.

7. On April 20, 2021 this Court issued its order to show cause (the “OSC”) noting, “it does not appear that a final judgment has been entered in this matter because the claims against UTSafety remain pending in the district court.”

8. The parties agree that a correction of the final judgment by the district court under NRCP 60(a) is appropriate under these circumstances.

9. The parties agree that, if leave by this Court is granted pursuant to NRCP 60(a), the parties will submit a stipulation to the district court to correct the final judgment by adding the missing conclusion of law stating that the claims against UTSafety were dismissed pursuant to the pre-trial abandonment by respondents.

10. The parties agree that, if leave by this Court is granted pursuant to NRCP 60(a), appellants’ response to the OSC shall be stayed until 30 days after the resolution of this stipulation to allow the parties to secure the correction to the final judgment as set forth herein.

11. Further, the parties agree that, if the Court denies this stipulation, that appellants’ response to the OSC shall be due within 14 days from the order denying this stipulation.

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DATED this 30 day of June, 2021.

By: 
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Counsel for Respondents

DATED this 30 day of June, 2021.

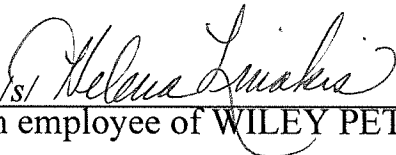
By: \s\ Tom Stewart
THE POWELL LAW FIRM

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Counsel for Appellants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I electronically filed and served the foregoing **STIPULATION TO ALLOW FOR CORRECTION OF FINAL JUDGMENT TO CORRECT OVERSIGHT AND/OR OMISSION PURSUANT TO NRCP 60(A) AND TO STAY THE DEADLINE FOR APPELLANT TO RESPOND TO THE COURT'S APRIL 20, 2021 ORDER TO SHOW CAUSE PENDING RESOLUTION** with the Clerk of the Court of the Supreme Court of Nevada by using the Court's Electronic Filing System on June ~~30~~^{30th}, 2021.



an employee of WILEY PETERSEN

hlinakis@wileypetersenlaw.com

From: jblum@wileypetersenlaw.com
Sent: Wednesday, June 30, 2021 10:01 AM
To: 'Tom Stewart'
Cc: hlinakis@wileypetersenlaw.com; 'Walther, Eric D.'
Subject: RE: 00676 draft Stip

Thanks. I'll get it filed shortly.

Jonathan D. Blum, Esq.



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Sent: Wednesday, June 30, 2021 9:53 AM
To: jblum@wileypetersenlaw.com
Cc: hlinakis@wileypetersenlaw.com; 'Walther, Eric D.' <ewalther@bhfs.com>
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You should lowercase "Final Judgment" in paragraph 10 for consistency. But, either way, you can affix my e signature.

From: jblum@wileypetersenlaw.com <jblum@wileypetersenlaw.com>
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Subject: RE: 00676 draft Stip

Thanks Tom. We're fine with all of your changes save one. See attached.

If you agree, can I affix your e-signature?

Thanks,