

REC'D & FILED

1 Case No. 97-01324A
2 Dept. No. 1

'98 JUN 23 P1:30

3 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

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5 IN AND FOR CARSON CITY, NEVADA
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JUDSON ENTERPRISES, INC., dba
K-DESIGNERS, a California
corporation

Plaintiff,

vs.

BOBBY L. MANN, and DOES I
through X inclusive,

Defendants.

ORDER DENYING REQUEST
FOR TRIAL DE NOVO AND
GRANTING MOTION FOR
ENTRY OF JUDGMENT

This case is before the Court on Plaintiff's Motion for Entry of Judgment and Monetary Sanctions. Matthew C. Addison represents the Plaintiffs in this matter and Robert A. Grayson, Esq. represents the Defendants.

On August 15, 1997, Plaintiff initiated these proceedings by filing a complaint with this Court. The case was assigned to mandatory arbitration, and James R. Hales was appointed Arbitrator. On April 7, 1998, the arbitration was held. The Arbitrator held in favor for Plaintiff and awarded \$10,186.78 in damages plus, pursuant to NRS 17.130, \$695.57 in interest to Plaintiff. The Arbitrator's award was served on counsel for each party and on the Discovery Commissioner on April 13, 1998. The Arbitrator subsequently granted Plaintiff a Supplemental award of

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1 \$3,000.00 for attorney's fees and costs in the amount of \$356.38.
2 The Supplemental Award was executed and served on counsel for
3 each party and the Discovery Commissioner on May 11, 1998.

4 On April 28, 1998, Defendant, Bobby L. Mann, filed with the
5 clerk of this Court a Request for Trial De Novo pursuant to NAR
6 18. This Request was not accompanied by a certificate of
7 service.

8 Nevada Arbitration Rule 18 provides:

9 (A) Witin thirty (30) days after the award is
10 served upon the parties, any party may file with the
11 clerk of the court and serve on the other parties and
the discovery commissioner a written request for trial
de novo of the action.

12 Defendant's attempt to request a trial de novo in this matter
13 does not satisfy the procedural requirements of NAR 18, because
14 there is nothing in the record to indicate that the request was
15 served upon Plaintiff or the Discovery Commissioner. In fact,
16 all evidence indicates to the contrary, that Defendant failed to
17 serve either Plaintiff or the Discovery Commissioner. Based upon
18 this Court's conclusion that Defendant failed to comply with the
19 procedural requirements of NAR 18 in requesting a trial de novo,
20 that request is HEREBY DENIED.

21 Plaintiff's Motion for Monetary Sanctions against
22 Defendant's counsel, Robert Grayson, is DENIED.

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1 JUDGMENT IS HEREBY ENTERED in favor of the Plaintiff
2 consistent with the Arbitration Awards in the amount of
3 \$14,238.73. Dated this 22 day of June, 1998.

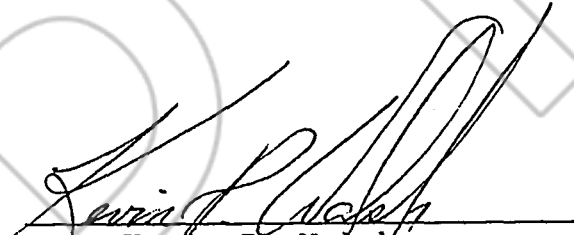
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6 Michael R. Griffin
7 District Judge
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CERTIFICATE OF SERVICE

Pursuant to NRCF 5(b), I certify that I am an employee of
The Honorable Michael R. Griffin, and I certify that on this
23rd day of June, 1998, I deposited for mailing at Carson City,
Nevada, or caused to be delivered by messenger service, a true
and correct copy of the attached ORDER, addressed to the
following:

✓
Mathew C. Addison, Esq.
McDONALD CARANO WILSON McCUNE
241 Ridge Street, Fourth Floor
Reno, NV 89501

Robert A. Grayson, Esq.
300 S. Curry Street
Carson City, NV 89703


Kevin P. Walsh
Law Clerk, Dept. 1

REQUESTED BY
Mathew Addison Esq
IN OFFICIAL RECORDS OF
DOUGLAS CO., NEVADA

CERTIFIED COPY

The document to which this certificate is attached
is a full, true and correct copy of the original on file
and of record in my office.

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Date: June 26, 1998

SEAL

ALAN GLOVER, City Clerk and Clerk of the First
Judicial District Court and the State of Nevada, in
and for Carson City

0443099 LINDA SLATER
RECORDER
\$10⁰⁰ PAID K2 DEPUTY

By: Alrodas Deputy

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