

1 notice requirement of NRCP 55 was fulfilled as Plaintiff served written notice of the  
2 application for default judgment. Moreover, NRCP 55 is likely not implicated since the  
3 judgment ultimately resulted from sanctions arising from Zandian's failure to respond to  
4 discovery. *See Durango Fire Protection, Inc. v. Troncoso*, 120 Nev. 658 (2004) (trial court's  
5 entry of judgment for plaintiff, in action for breach of contract, after striking defendant's  
6 answer was a sanction for defendant's failure to appear at several hearings and calendar calls  
7 rather than a default judgment, and thus, civil procedure rule requiring written notice before  
8 entry of default judgment was not applicable).

9 Further, First Judicial District Court Rule 22(3) expressly states that "[a]ny form of  
10 order permitting withdrawal of an attorney submitted to the Court for signature shall contain  
11 the address at which the party is to be served with notice of all further proceedings." Plaintiff  
12 had a right to rely on the address given by Zandian's prior attorney.

13 No evidence supports Zandian's claims that he lacked knowledge of this matter. Even  
14 if Zandian was living in France, for which no competent evidence has been provided to this  
15 Court, Zandian was required to provide the Court and the parties with his new address.  
16 However, Zandian never informed this Court or the parties of any address change. The record  
17 demonstrates that the Plaintiff's discovery requests, motions, application for judgment, orders  
18 and notice of judgment were all mailed to Zandian's address of record. Under NRCP 5(b),  
19 service by mail is complete upon mailing. Thus, Zandian received notice of the proceedings  
20 and his repeated failure to respond constituted inexcusable neglect.

21 **b. Zandian Has Failed To Show He Lacked Intent To Delay**

22 Zandian received all of the papers and pleadings in this matter. However, he failed to  
23 respond to Plaintiff's discovery and willfully ignored the proceedings of this matter. In fact,  
24 Zandian waited nearly six months to secure new counsel and file the motion to set aside.  
25 Furthermore, Zandian failed to file an opposition to the application for judgment.  
26 Accordingly, the Court finds that Zandian has failed to establish the absence of an intent to  
27 delay.

28 **c. Whether Zandian Lacked Knowledge Of Procedural Requirements**