

1 Furthermore, there are several factors the Court should use to determine whether the
2 conditions of 60(b)(1) have been met: (1) prompt application to remove the judgment; (2) a lack of
3 intent to delay the proceedings; (3) ignorance on the part of counsel or party as to procedure; and
4 (4) good faith. *Ogle v. Miller*, 87 Nev. 573, 576, 491 P.2d 40, 42 (1971).

5 **1. Zandian Promptly Files This Motion**

6 Rule 60(b)(1) states that a motion under subsection (b)(1) must be brought “not more than
7 six months after judgment, order, or proceeding was entered or taken.” NRCP 60(b)(1); *see also*
8 *Deal v. Baines*, 110 Nev. 509, 512, 874 P.2d 775 (1994). This Court has found prompt application
9 to remove the judgment is a persuasive factor. *See Hotel Last Frontier Corporation v. Frontier*
10 *Properties, Inc.*, 79 Nev. 150, 154, 380 P.2d 283 (1963). In this case, the Default Judgment was
11 entered on or about June 24, 2013 and the Notice of Entry of Default Judgment was filed on or
12 about June 27, 2013. Zandian learned of the Default Judgment in late November of 2013 while
13 visiting the US on business. Upon learning of the Default Judgment, Zandian retained Hawkins
14 Melendrez, P.C. to represent him in this matter. Zandian’s current motion comes less than six
15 months after the entry of the Default Judgment. Therefore, Zandian has promptly applied for the
16 removal of the Default Judgment.

17 **2. There Is No Intent To Delay The Proceedings**

18 This Court has also found the absence of intent to delay proceedings a persuasive factor. *Id.*
19 As previously stated, Zandian’s prior counsel, John Peter Lee, Esq., withdrew as counsel on or
20 about March 7, 2012. Furthermore, the last known address provided by Mr. Lee in his Motion to
21 Withdraw was inaccurate. From April 26, 2012 Zandian did not receive any of the pleadings or
22 discovery filed in this case. In late November 2013, Zandian learned of the Default Judgment while
23 visiting the US for business purposes. Upon learning of the Default Judgment, Zandian
24 immediately retained the services of Hawkins Melendrez P.C. Now, having retained counsel,
25 Zandian files this Motion in order to state his meritorious defenses and proceed to have the trier of
26 fact make a determination.

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