


1 In light of Zandian's repeated and continued abuses, the policy of adjudicating cases on  
2 the merits would not be furthered in this case, and the ultimate sanctions are necessary to  
3 demonstrate to Zandian and future litigants that they are not free to act with wayward  
4 disregard of a court's orders. *Foster*, 227 P.3d at 1049. Moreover, Zandian's failure to oppose  
5 Plaintiff's motion to strike the General Denial or the application for judgment constitutes an  
6 admission that the motion and application were meritorious. *Id.* (citing *King v. Carlidge*, 121  
7 Nev. 926, 927, 124 P.3d 1161, 1162 (2005) (stating that an unopposed motion may be  
8 considered as an admission of merit and consent to grant the motion) (citing DCR 13(3)).

#### 9 IV. CONCLUSION

10 The record provides substantial evidence to support this denial of Zandian's motion to  
11 set aside. Further, the policy of resolving cases on the merits does not allow litigants "to  
12 disregard process or procedural rules with impunity." *Kahn*, 108 Nev. at 516, 835 P.2d at 794  
13 (quoting *Lentz v. Boles*, 84 Nev. 197, 200, 438 P.2d 254, 256-57 (1968)).

14 Zandian has failed to show mistake, inadvertence, surprise or excusable neglect  
15 pursuant to NRCP 60(b). Zandian had every opportunity to properly defend this action and  
16 instead made a voluntary choice not to. Therefore, Zandian's motion to set aside is hereby  
17 DENIED.

18 DATED: This 6<sup>th</sup> day of February, 2014. IT IS SO ORDERED:  
19

20  
21   
22 JAMES T. RUSSELL  
23 DISTRICT COURT JUDGE  
24  
25  
26  
27  
28