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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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ORLAN CHARLES HORNE,

Plaintiff,

v.

ANDRES N. BERTOTTO S.A.I.C., an
Argentine Corporation; HIDRO GRUBERT
U.S.A., INC., and DOES I-V, inclusive,

Defendants.

Case No. 2:14-cv-00389-APG-NJK

**Order Denying (1) Motion for Relief from
Judgment and (2) Renewed Motion for
Default Judgment**

(Dkt. ##35, 37)

11 Plaintiff Orlan Charles Horne obtained a \$5,169,829.15 Default Judgment against
12 defendant Hidro Grubert U.S.A., Inc. (“HG”) in Nevada state court. (Dkt. #25 at 34-35.) A few
13 years later, Horne filed a second lawsuit in Nevada state court purporting to renew and collect
14 upon that Default Judgment. (Dkt. #4 at 6-9.) In that second suit, Horne also sued defendant
15 Andres N. Bertotto S.A.I.C. (“Bertotto”), alleging that Bertotto is the alter ego of HG. *Id.*
16 Bertotto removed that second suit to this court. (Dkt. ##1, 4.) Default was entered against HG in
17 this lawsuit. Horne then moved for entry of a Default Judgment against HG for the amount of the
18 Default Judgment he had obtained against HG in the first state court lawsuit plus accruing
19 interest. (Dkt. #25.) I denied Horne’s motion for Default Judgment because, among other things,
20 his motion failed to explain why he needs another Default Judgment against HG. (Dkt. #34.)

21 Horne subsequently filed a motion asking me to reconsider my decision, contending that
22 his second lawsuit merely seeks to renew his Default Judgment against HG. (Dkt. #35.) Horne
23 also filed a renewed motion for Default Judgment, asserting the same argument. (Dkt. #37.)
24 Horne incorrectly relies upon NRS §11.190(1)(a) as a basis for renewal of his Default Judgment.
25 That statute sets the six-year limitations period for renewal of a judgment. But the procedure to
26 renew a judgment is set forth in NRS §17.214, which requires the filing of an “Affidavit of
27 Renewal of Judgment” with the clerk of the court where the judgment was entered. As set forth
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in my previous order, no new claims are asserted against HG in this lawsuit, so a Default Judgment entered against it here would be a needless duplication of the state court's Default Judgment.

Because Horne has failed to carry his burden of persuasion as to the need for entry of a Default Judgment against HG, his motions (**Dkt. ##35, 37**) are **DENIED**.

Dated: September 14, 2015.



ANDREW P. GORDON
UNITED STATES DISTRICT JUDGE