**MSTDN**

Attorney’s Name

Attorney’s Bar Number

Attorney’s Firm Name

Attorney’s Address

Attorney’s Phone Number

Party Attorney Represents

DISTRICT COURT

CLARK COUNTY, NEVADA

)

)

)

Plaintiff, )

)

v. ) CASE NO. A-

) DEPT NO.

)

Defendants. ) **HEARING REQUESTED**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

**MOTION TO STRIKE REQUEST FOR TRIAL DE NOVO**

(Plaintiff/Defendant) , by and through his attorney of record, , Esq., of the law firm of , hereby moves this court for an order striking (Plaintiff’s/Defendant’s) request for trial de novo, as

1) (Plaintiff/Defendant) failed to (prosecute/defend) the above entitled case in good faith during the arbitration proceedings and has therefore waived the right to request a trial de novo; or

2) (Plaintiff/Defendant) failed to pay the arbitrator’s bill in accordance with NAR 18(c).

DATED this day of , 20\_\_.

ATTORNEY

BAR NUMBER

ADDRESS

PARTY

ARB FORM 31 (1 of 3)

**SAMPLE POINTS AND AUTHORITIES (1)**

Nevada Arbitration Rule 22(a) states as follows:

The failure of a party or an attorney to either prosecute or defend

a case in good faith during the arbitration proceedings shall constitute

a waiver of the right to a trial de novo.

Facts supporting the assertion of bad faith are as follows:  **[e.g., the party refused to appear at the arbitration hearing and refused to produce any documents in support of his positions, etc.]**  .

**SAMPLE POINTS AND AUTHORITIES (2)**

NAR 18(c) states in part as follows:

Any party who has failed to pay the arbitrator’s bill in accordance

with this rule shall be deemed to have waived the right to a trial de novo;

if a timely objection to the arbitrator’s bill has been filed with the

clerk of the court pursuant to NAR 23 and/or NAR 24, a party

shall have 14 days from the date of service of the commissioner’s decision

in which to pay any remaining balance owing on said bill.

(Name of Party) has failed to pay the arbitrator’s bill and no objection is pending.

The Request for Trial de Novo should be stricken.

ATTORNEY

BAR NUMBER

ADDRESS

PARTY

ARB FORM 31 (2 of 3)

CERTIFICATE OF SERVICE

I hereby certify that on the day of , 20\_\_, I mailed a copy of the foregoing MOTION TO STRIKE REQUEST FOR TRIAL DE NOVO in a sealed envelope, to the following counsel of record and that postage was fully prepaid thereon ***OR*** this document was served via E-Service:

EMPLOYEE OF ATTORNEY

**NOTE: THIS MOTION TO BE FILED WITH MASTER CALENDAR IN THE COUNTY CLERK’S OFFICE. PURSUANT TO NAR 18(g) A MOTION TO STRIKE MAY NOT BE FILED MORE THAN 30 DAYS AFTER SERVICE OF THE REQUEST FOR TRIAL DE NOVO, EXCEPT THAT A MOTION TO STRIKE BASED SOLELY ON THE FAILURE TO PAY THE ARBITRATOR FEES AND COSTS IN ACCORDANCE WITH NAR 18(a) AND NAR 18(c) MUST BE FILED NO MORE THAN 14 DAYS AFTER THE TIME TO PAY HAS EXPIRED.**

**NOTE: PURSUANT TO NEFCR 9(f)(2) AN ADDITIONAL 3 DAYS IS NOT ADDED TO THE TIME IF SERVED ELECTRONICALLY (VIA E-SERVICE).**

ARB FORM 31 (3 of 3)