

1 MOT

2 (Your Name) _____

3 (Address) _____

4 (Telephone) _____

5 (Email Address) _____

Self-Represented

6 **EIGHTH JUDICIAL DISTRICT COURT**

7 **CLARK COUNTY, NEVADA**

8 **FAMILY DIVISION**

9
10
11 _____
12 Plaintiff,

CASE NO.:

DEPT NO.:

13 VS

DATE OF HEARING:

TIME OF HEARING:

14 _____
15 Defendant,

Oral Argument Requested: __No __YES

16 **MOTION FOR STAY OF PROCEEDINGS**
17 **(AS AUTHORIZED UNDER §50 App. U.S.C.A. 501 et. seq.)**

18 **COMES NOW** (check one) ☐ Plaintiff/☐ Defendant (your name)

19 _____, in Proper Person, and moves this Honorable
20 Court for a Stay of Proceedings for at least 90 days so that Movant can obtain legal
21 counsel or otherwise arrange to participate meaningful in the proceeding.

22 **NOTICE OF MOTION**

23
24 TO: Opposing Party or Party's Attorney, if one, _____; and
25 TO: District Attorney – Family Support Division, if applicable.

26 This is a motion for a 90 STAY **as authorized under §50 App. U.S.C.A. 501 et. Seq.**
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1 **PLEASE TAKE NOTICE** that a hearing on the attached motion for relief will be
2 held before the Eighth Judicial District Court –Family Division located at: (.. check one)

3 ___The Family Courts and Services Center, 601 N. Pecos Road Las Vegas, Nevada
4 89101

5 ___The Regional Justice Center, 200 Lewis Avenue Las Vegas, Nevada 89101

6
7 ___ The Child Support Center of Southern Nevada, 1900 E. Flamingo Road # 100
8 Las Vegas, Nevada 89119

9 **Notice:** You are required to file a written response to this motion with the Clerk of
10 the Court within ten (10) days of receipt and to serve a copy of the filed response
11 on the other party. Failure to do so may result in the requested relief being
12 granted by the Court without hearing prior to the scheduled hearing.

13 **FACTS AND LEGAL ARGUMENT:**

14 **Movant** understands that a Motion _____ has
15 been filed and that a response is required from him/her. As Movant is an active
16 military service member and not available to immediately participate in said
17 proceeding he respectfully requests a stay.

18 (Insert additional information regarding your active status:

19 _____
20 _____
21 _____
22 _____

23 Movant has attached a copy of: 1. Documentation stating the manner in which
24 current active duty requirements materially affect the service member's ability to
25 appear, with a date when the service member may be able to appear (ex. Duty
26 Papers); and 2. A letter from the service member's commanding officer stating the
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2 service member's current active duty prevents the appearance and military leave is
3 not authorized at the time of the letter.

4
5 Federal law expressly provides for a stay of proceeding if the servicemember
6 provides the Court with a request for a stay along with the documentation set forth
7 above:

8 **(§50 App. U.S.C.A. 501 et. seq.)**

9 **GENERAL RELIEF:**

10 **A. Stay of Proceedings**

- 11 • In which the service member is a defendant.
- 12 • For a minimum of 90 days if the court determines there may be a defense to the action and the defense cannot be presented without the presence of the defendant, and after due diligence, counsel has been unable to contact the defendant or otherwise determine a meritorious defense exists.

- 13 • If the defendant is, at the time of filing, on active duty, or within 90 days of termination of active duty, at any stage before final judgment, the court may on its own motion, and application of the service member, stay the action for not less than 90 days if:

14 1. Documentation stating the manner in which current active duty requirements materially affect the service member's ability to appear, with a date when the service member may be able to appear;

15 2. A letter from the service member's commanding officer stating the service member's current active duty prevents the appearance and military leave is not authorized at the time of the letter.

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19 **II. AN EXTENSION OF TIME SHOULD BE GRANTED IF TIME TO RESPOND HAS EXPIRED**

20 Movant also requests that if the time has run to file a response, that he have an
21 extension of time (EDCR 2.25). Movant is on active duty and unable to respond to the
22 papers served on him in a timely fashion.

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24 **III. IF A DEFAULT HAS BEEN ENTERED IT SHOULD BE SET ASIDE**

25 Movant also requests that if a default has been entered against him that it be set aside
26 based upon his active duty status and his prompt request for a stay.
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1 **CONCLUSION:**

2 Movant is an active service member with the military whose active duty
3 prevents his appearance in a calendared matter. He has provided the Court with
4 documentation as to his active duty status and a letter from his commanding officer
5 that his current active duty prevents his appearance. He respectfully and pursuant to
6 **§50 App. U.S.C.A. 501 et. seq.** requests a 90 day stay of the proceeding so that he
7 can either obtain counsel or make arrangements to meaningfully participate in the
8 proceeding.
9

10
11 DATED this (day) _____ day of (month) _____, (year) _____.

12
13 Submitted By: _____
14 (Your Signature)
15

16 **DECLARATION UNDER PENALTY OF PERJURY:**

17 I, (Insert your name) _____, declare the following
18 facts to be true under penalty of perjury:
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- 20
- 21 1. I am an active member of the United States Military;
 - 22 2. I have been served with some form of litigation that I have to respond to but can
23 not do so because of my active duty status (ex. A motion for custody; A
24 Complaint to Establish Custody and Child Support; or a Civil Matter in the
25 District Court).
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3. I have attached as exhibits documents that satisfy subsections (1) and (2) of the SCRA.
4. I am asking that all matters be stayed for 90 days to allow me to either obtain counsel or make arrangements to participate in the litigation in a meaningful way. If I need more than 90 days I will file another motion to explain to the Court why I require more time. I understand that under the SCRA I may apply for an additional stay past the 90 days by again meeting the requirements of (1) and (2) of the SCRA.
5. I ___ have/___ have not brought this matter on an Order Shortening Time; I am asking the Court to hear my Motion for a Stay prior to the underlying litigation being heard; or alternatively; before the time by which I am required to file a response to any papers has run. If said time has run, I am asking that the time be expanded (EDCR 2.25) so that a default is not entered. If a default has been entered, I am asking that it be set aside.

Dated this _____ day of _____ 20_____.

Submitted By: _____
(Print your name)

(Your Signature)

(Attach your documents to satisfy (1) and (2) of the SCRA to this Motion before filing it.)