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09-13

FILED

SEP 23 2009

*Alison D. Robinson*  
CLERK OF COURT

DISTRICT COURT

CLARK COUNTY, NEVADA

IN THE ADMINISTRATIVE MATTER )  
OF THE HEARING OF PETITIONS FOR )  
JUDICIAL REVIEW )  
IN FORECLOSURE MEDIATION )  
CASES IN THE EIGHTH JUDICIAL )  
DISTRICT COURT )

09-13

**ADMINISTRATIVE ORDER REGARDING THE HEARING OF PETITIONS FOR JUDICIAL REVIEW IN FORECLOSURE MEDIATION CASES**

The Nevada Supreme Court issued an Order Adopting Foreclosure Mediation Rules in ADKT 435 on June 30, 2009, and ordered that the foreclosure mediation rules shall be in effect on July 31, 2009. The Foreclosure Mediation Rules, Rule 5 (e) provides:

- (e) A party to the mediation may file a petition for judicial review with the district court in the county where the notice of default was properly recorded seeking a determination of bad faith participation and sanctions pursuant to NRS Chapter 107 as amended. All such petitions shall be reviewed by the district court in accordance with Nevada Rules of Civil Procedure and NRS Chapter 107.

**WHEREAS**, the Eighth Judicial District Court Rule 1.30 (b)(18) provides that the chief judge assure that court duties are timely and orderly performed.

**WHEREAS**, the assignment of petitions for judicial review from foreclosure mediations seeking a determination of bad faith participation and sanctions pursuant to NRS Chapter 107 and the Nevada Rules of Civil Procedure requires the entry of this administrative

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order to guide the management of these petitions pending approval of a local rule of practice by the EJDC and the Nevada Supreme Court.

**WHEREAS**, this court concludes that the establishment of this administrative order in advance of the approval of a rule of practice for the Eighth Judicial District Court for petitions for judicial review of foreclosure mediations promotes efficient case management and will allow for priority calendaring and hearing of these petitions.

Therefore,

**IT IS HEREBY ORDERED** that petitions for judicial review from foreclosure mediations seeking a determination of bad faith participation and sanctions pursuant to NRS Chapter 107 and the Nevada Rules of Civil Procedure shall be subject to this administrative order to guide the management of these petitions pending approval of a local rule of practice by the EJDC and the Nevada Supreme Court.

**IT IS FURTHER ORDERED** that parties to petitions for judicial review pursuant to the Foreclosure Mediation Rules adopted by the Nevada Supreme Court shall follow the following rules.

(a) A petitioner seeking judicial review under authority of NRS 107 must serve and file a memorandum of points and authorities, if desired, in support thereof within 15 days after the conclusion of the mediation process.

(b) Following the filing of the petition seeking judicial review, if the Court determines that good cause is shown for the issuance of sanctions, may issue an order scheduling an evidentiary hearing to show cause why the respondent should not be sanctioned as provided for in Chapter 107 and the Foreclosure Mediation Rules adopted by the Supreme Court.

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(c) The respondent must serve and file a memorandum of points and authorities, if desired, in opposition to the petition for judicial review within 10 days after service of petitioner's points and authorities.

(d) Petitioner may serve and file reply points and authorities, if desired, not later than 5 days after service of respondent's opposition.

(e) After petitioner's time to reply has expired, if an evidentiary hearing has not already been scheduled, either party may serve and file a notice of hearing setting the petition for hearing on a day when the judge to whom the case is assigned is hearing civil motions, and which is not less than 5 days from the date the notice is served and filed.

(f) All memoranda of points and authorities filed in proceedings involving petitions for judicial review must be in the form provided for appellate briefs in Rule 28 of the Nevada Rules of Appellate Procedure.

(g) Upon completion of the evidentiary hearing the court shall issue findings of fact and conclusions of law within 5 judicial days.

(h) The statement of the mediator made in connection with these proceedings is admissible without the necessity of any additional foundation or testimony of the mediator.

(i) Eighth Judicial District Court Rules 2.21 through 2.28 apply to the hearing of petitions for judicial review.

**IT IS FURTHER ORDERED** that this Administrative Order shall be in effect on September 25, 2009, and shall continue until modified or rescinded by a subsequent Administrative Order.

DATED this 23 day of September, 2009.

  
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CHIEF JUDGE