ADKT 545 – Eighth Judicial District Court Local Rules
(clean copy without strikeout/underline markings)
Effective January 1, 2020

20-04065

ADKT 545

EXHIBIT A

AMENDMENT TO RULES 1.14, 1.44, 1.90, 1.91, 1.92, 2.20, 2.22, 2.24, 2.26, 2.34, 2.35, 2.55, 2.60, 3.24, 3.80, 5.102, 5.206, 5.207, 5.305, 5.401, 5.402, 5.502, 5.503, 5.504, 5.505, 5.506, 5.507, 5.508, 5.509, 5.510, 5.511, 5.512, 5.513, 5.514, 5.515, 5.516, 5.517, 5.518, 5.519, 5.520, 5.521, 5.522, 5.523, 5.524, 5.525, 5.526, 5.602, 7.03, 7.20, 7.21, 7.26, 7.72, 8.01, 8.02, 8.03, 8.04, 8.09, 8.10, AND 8.16; ADOPTION OF NEW RULES 5.210 AND 7.51; AND REPEAL OF RULES 2.65, 7.02, 8.05, 8.06, 8.07, 8.08, 8.11, 8.12, 8.13, 8.14, AND 8.15 OF THE RULES OF PRACTICE FOR THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

Rule 1.14. Written log of inaccessible days. The clerk shall memorialize and maintain in a written log all days on which weather or other conditions have made the clerk's office inaccessible pursuant to NRCP 6(a)(3).

Rule 1.44. Civil commitments and hearing masters; duties of the Division of Public and Behavioral Health; duties of counsel.

(a) The provisions of this rule apply to all court-ordered admissions of any person alleged to be in a mental health crisis.

(b) Unless otherwise ordered by the chief judge, civil commitment hearings must be conducted by the civil commitment hearing master. The compensation of the masters must not be taxed against the parties, but when fixed by the chief judge, must be paid out of appropriations made for the expenses of the court. Every master must be in good standing as a member of the State Bar of Nevada.

(c) The civil commitment hearing master may conduct formal court hearings at the hospital or wherever is most convenient to the master and the

person alleged to be in a mental health crisis. The master has the authority to swear witnesses, take evidence, appoint independent medical evaluators, evaluate competency, recommend guardians, and conduct all other matters relating to the involuntary commitment proceeding. All proceedings must be recorded or transcribed by a duly appointed court recorder or reporter as provided by law.

(d) Not less than 24 hours before the time set for a commitment hearing, the Administrator of the Public and Behavioral Health Division, or the administrator's designee, must examine each person alleged to be in a mental health crisis and prepare, for presentation at the hearing, a report designating which facilities are available together with a recommendation of the least restrictive environment suitable to the patient's needs. At the time of the hearing, the person alleged to be in a mental health crisis must not be so under the influence of or so suffer the effects of drugs, medication or other treatment as to be hampered in preparing for or participating in the hearing, and a record of all drugs, medication or other treatment that the person has received during the 72 hours immediately prior to the hearing must be presented to the master.

(e) The Clark County Public Defender's Office must furnish counsel for all persons alleged to be in a mental health crisis not otherwise represented by an attorney.

(1) Prior to the hearing, the public defender or the attorney for the person alleged to be in a mental health crisis must interview the person, explain to the person his or her rights pending court-ordered treatment, the procedures leading to court-ordered treatment, the standards for court-ordered treatment and the alternative of becoming a voluntary patient. The public

defender must also explain that the person can obtain counsel at the person's own expense.

(2) Prior to the hearing, the person's attorney must review the commitment petition, evaluation reports, the patient's medical records and the list of alternatives to court-ordered treatment.

(f) At the conclusion of each hearing, a copy of the written recommendation of the hearing master must be given to the person, the person's counsel and the district attorney. Not later than 5:00 p.m. on the day the hearing concludes, the hearing master's recommendation must be submitted to the chief judge.

(g) Objections to the master's recommendation must be made to the chief judge at the time the report is submitted or at such other time as the chief judge may prescribe. The chief judge may require oral objections to be reduced to writing.

(h) After reviewing the master's recommendation and any objection thereto, the chief judge must:

(1) Approve the same and order the recommended disposition,

(2) Reject the recommendation and order such relief as may be appropriate, or

(3) Direct a rehearing.

(i) All rehearings of matters heard before the master must be before the chief judge and must be conducted de novo.

(j) No recommendation of a master will become effective until expressly approved by the chief judge.

Rule 1.90. Caseflow management.

(a) Delay reduction standards.

(1) Time to disposition. For criminal cases, the aspirational standard of the court is for 50% of all cases to be resolved within 6 months, 90% of all cases to be resolved within 1 year (with the last 10% being only life sentence or death penalty cases) and for 100% of the cases to be resolved within 2 years. It is the goal of the court to achieve a final resolution in 80% of its civil cases within 24 months of filing and a final resolution in 95% of its cases within 36 months of the date of filing. The court recognizes that there will be exceptional cases which will not be resolved within 36 months. The court also recognizes that 100% of all cases must be resolved within 60 months from the date of filing, unless there is a written stipulation by the parties to extend deadlines under NRCP 41(e)(2)(B).

(2) Time limits for judges. Except in complex litigation as defined in NRCP 16.1(f), judges shall ensure that pretrial discovery is completed within 18 months from the filing of the joint case conference report. Discovery in complex litigation shall be completed within 24 months from the filing of the joint case conference report.

(3) Time limits for pretrial motions. All pretrial motions shall be heard and decided no later than 14 days before the date scheduled for trial.

(4) Time limits for matters under submission. Unless the case is extraordinarily complex, a judge or other judicial officer shall issue a decision in all matters submitted for decision to him or her not later than 21 days after said submission. In extraordinarily complex cases, a decision must be rendered not later than 28 days after said submission. Following the decision of the judge or other judicial officer, the prevailing party shall submit a written order

to the judge or judicial officer not later than 14 days from the date of the decision.

(5) Time limits for entry of judgments. Unless the case is extraordinarily complex, a judge or other judicial officer shall order the prevailing party to prepare a written judgment and findings of fact and conclusions of law and submit the same not later than 21 days following trial. In extraordinarily complex cases, the attorney for the prevailing party shall submit a written judgment and findings of fact and conclusions of law to the judge or judicial official not later than 28 days following the conclusion of trial.

(6) Time limits for remands from Nevada Supreme Court. Any case remanded for further action by the supreme court shall be scheduled for a status check no later than 28 days from issuance of the remittitur.

(b) Civil caseflow management.

(1) Responsibility of trial judge. It is the clear responsibility of each individual trial judge to manage the individual calendar in an efficient and effective manner. Each judge is charged with the responsibility for maintaining a current docket.

(2) Dismissal calendar. Each department shall review its civil caseload for complaints not served or not answered within 180 days of filing and for civil cases pending longer than 12 months in which no action has been taken for more than 6 months. The cases shall either be disposed of or moved forward by means of a dismissal calendar held at least monthly in each department.

(3) Scheduling orders. In civil cases, the judge shall issue a scheduling order pursuant to NRCP 16(b). In addition to the required contents of NRCP 16(b)(3)(A), the scheduling order shall contain dates for any pretrial

conferences, a final pretrial conference and/or calendar call, and the trial or trial stack. The scheduling order may include any other appropriate matters.

(4) Trial setting. Cases shall be set for trial no later than 6 months from the date of the discovery cut-off date.

(5) Trial date. The trial shall go forward on the trial date or within the trial stack originally set, unless the court grants a continuance upon a showing of good cause. No trial shall be continued pursuant to stipulation of the parties without approval of the judge. At the time a continuance is granted, the judge must a new trial date. The new trial date shall be set at the earliest available date within 9 months of the original trial date.

(6) Number of trials. Each department must set a minimum of 10 cases for each full week of a trial stack. In determining the maximum number of cases to set, the judge should consider the following factors: the length of time between the filing of the trial order and the trial date, length of trial and fallout, or dispositions expected before trial date.

(c) Caseflow review committee.

(1) Purpose. The purpose of the committee shall be to review the status of all dockets to identify backlogs that require attention and to review compliance with court delay reduction standards.

(2) Procedures. The caseflow review committee shall monitor the caseflow of each department. To assist the committee in its review, each department, on or before the 15th day of the month, shall report the following information to the caseflow review committee as to the previous month:

(A) The number of joint case conference reports received during the month.

(B) A list of cases for which joint case conference reports have been received but no trial dates have been set.

(C) A list of all cases set to begin trial during the month and a report of disposition. For any cases continued, a reason given for the continuance and the number of prior trial continuances reported.

(D) A list of all cases sent to overflow trial calendar and a report of disposition or reason for non-disposition and next case action date.

(E) A report of matters (motions and trials) taken under advisement and which have been pending more than 30 days.

(F) Any other reports the committee deems useful to accomplish the purpose of the caseflow review committee.

(3) Recommendation to chief judge. When the caseflow review committee determines that an individual judge's docket has become backlogged due to inactivity, neglect, or inadequate management, it will recommend in writing to the chief judge appropriate action to bring the docket to current status. Prior to making such recommendation, a representative of the caseflow review committee must meet with the judge in question to discuss the problem. The action recommended by the caseflow review committee may include, but shall not be limited to the following remedial measures:

(A) Require the judge to attend proceedings with a judge (or judges) whose docket is current, to observe the procedures employed to move the docket.

(B) Refuse the approval of the judge's requests for the expenditure of funds not relating to items that impact the judge's productivity in disposing of cases.

(C) Require the judge to attend an educational program on docket management and develop a written plan for improvement.

(D) Curtail the judge's time away from the court.

(E) Recommend that the chief judge issue a letter of complaint to the Nevada Judicial Discipline Commission.

(4) Willful non-compliance. Should the chief judge determine that any judge's non-compliance with the delay reduction and caseflow management standards is willful and not a result of caseload or extraordinary circumstances, the chief judge shall report the same to the chief justice of the supreme court for further action.

(d) Caseflow management reporting.

(1) Complaints not served or answered within 180 days. Not less than once each month, the court administrator shall provide each department with a list of all civil cases that have not been served or answered within 180 days of the filing of the complaint. Upon receipt of the list, each judge shall determine the status of all such cases and shall, by motion with notice to the parties, set all cases lacking in prosecution for dismissal not less than monthly.

(2) Cases 12 months or older. Not less than 2 times per calendar year, the court administrator shall provide each department with a list of all civil cases 12 months or older, upon which there has been no activity since the initial pleadings. Upon receipt of the list, each judge may order a status report be filed, shall determine the status of all such cases and shall, by motion with notice to the parties, set all cases lacking in prosecution for dismissal not less than 2 times per year.

(3) Cases 36 months or older. In January and July of each year, the court administrator shall provide each department with a list of all civil

cases 36 months of age or older. Upon receipt of the list, each judge may order a joint status report be filed by the parties, shall determine the status of all such cases, and shall submit a written status report to the chief judge in February and August, setting forth the status of each such case.

(4) Cases 48 months or older. In January of each year, the court administrator shall provide each department and the chief judge with a list of all cases that are 48 months of age or older. Upon receipt of the list, each judge may order a joint status report be filed by the parties, shall determine the status of all such cases and shall submit a written status report to the chief judge no later than 30 days from receipt of the report.

Rule 1.91. Alternative Dispute Resolution Commissioner.

(a) The district judges serving in the civil/criminal division may appoint an alternative dispute resolution (ADR) commissioner to serve at the pleasure of the court. The ADR commissioner shall have the responsibilities and powers conferred by the Nevada Arbitration Rules (NAR), the Nevada Mediation Rules (NMR), the Nevada Short Trial Rules (NSTR), the Foreclosure Mediation Rules (FMR), and such other alternative dispute resolution mechanisms contemplated by NRS 38.250 as may from time to time be promulgated, including without limitation, the power to issue decisions, determinations and other rulings on matters as provided in the NAR, NMR, NSTR, and FMR, and to make findings and recommendations to the court regarding any dispositive matter such as violations of or for any other reason as provided in the NAR, NMR, NSTR, FMR, NRCP, DCR, and/or EDCR, or as otherwise provided by statute.

(b) Upon reasonable notice, the ADR commissioner may direct parties to appear for a conference with the commissioner concerning any matter related thereto. Unless otherwise directed, points and authorities need not be filed prior to a conference noticed by the commissioner. Counsel may not stipulate to vacate or continue a conference without the commissioner's consent.

(c) Any matter concerning the NAR, NMR, NSTR, and FMR may be referred by any district judge to the ADR commissioner for a hearing in order to make findings and recommendations to the court.

(d) Following the hearing on any matter, the ADR commissioner must prepare a commissioner's report and recommendations, a decision, determination or other ruling, or make findings and recommendations as provided herein. The commissioner may direct counsel to prepare the commissioner's report, including the findings and recommendations in accordance with EDCR 7.21 and 7.23. The commissioner must file the report with the court and serve a copy of it on each party.

(1) Objections. Within 14 days after being served with a report, any party may file and serve written objections to the recommendations. Points and authorities may be filed with an objection but are not mandatory. If points and authorities are filed, any other party may file and serve a responding points and authorities within 7 days after being served with the objections.

(2) Review. Upon receipt of an ADR commissioner's report, any objections, and any response, the court shall:

(A) Affirm, reverse, or modify the ADR commissioner's ruling without a hearing;

(B) Set the matter for a hearing; or

(C) Remand the matter to the ADR commissioner for reconsideration or further action.

Rule 1.92. Actions for professional negligence pursuant to NRS Chapter 41A.

(a) In each action for professional negligence filed pursuant to NRS Chapter 41A, the judge shall address the following issues at the Rule 16 conference:

(1) The status of discovery;

(2) The status of settlement negotiations, including the settlement conference required pursuant to NRS 41A.081; and

(3) Any issues that would affect the scheduling of a trial date.

(b) After considering the issues set forth in subsection (a), the judge shall set a firm trial date based upon the age of the case and the parties' readiness to commence trial. Where possible, the trial shall be set in compliance with the statutory deadlines set forth in NRS Chapter 41A; however, if a case cannot be set for trial within these deadlines because of limited judicial resources, the case may be set beyond the statutory deadlines, and the parties will be advised that any penalties relating to the scheduling shall be waived.

Rule 2.20. Motions; contents; responses and replies; calendaring a fully briefed matter.

(a) Unless otherwise ordered by the court, papers submitted in support of pretrial and post-trial briefs shall be limited to 30 pages, excluding exhibits.

Where the court enters an order permitting a longer brief or points and authorities, the papers shall include a table of contents and table of authorities.

(b) All motions must include the designation "Hearing Requested" or "Hearing Not Requested" in the caption of the first page of the motion directly below the Case Number and Department Number. Motions filed with the designation "Hearing Not Requested" will not be set for hearing but will be set for decision by the clerk on the "Chambers" calendar of the assigned department on a date consistent with the manner in which the clerk sets matters for hearing. If the motion contains neither designation, the clerk shall strike it after notice and an opportunity to cure is given, as provided in EDCR 8.03. Any motion filed with the designation "Hearing Not Requested" may be set for hearing at the court's request, or at the request of the adverse party who shall make the request by including the designation "Hearing Requested" in the caption of the first page of the Opposition, directly below the Case Number and Department Number. If such a designation is made, the clerk shall set the matter for hearing. Discovery motions that are to be heard by the discovery commissioner must include the designation "Discovery Hearing Requested" in the caption of the first page of the motion directly below the Case Number and Department Number.

(c) A party filing a motion must also serve and file with it a memorandum of points and authorities in support of each ground thereof. The absence of such memorandum may be construed as an admission that the motion is not meritorious, as cause for its denial or as a waiver of all grounds not so supported.

(d) Within 7 days after service of the motion, a nonmoving party may file written joinder thereto, together with a memorandum of points and authorities

and any supporting affidavits. If the motion becomes moot or is withdrawn by the movant, the joinder becomes its own stand-alone motion and the court shall consider its points and authorities in conjunction with those in the motion. A joining nonmoving party may designate "Hearing Requested" if no hearing has already been requested by the moving party, and the clerk shall set the matter for hearing.

(e) Within 14 days after the service of the motion, and 5 days after service of any joinder to the motion, the opposing party must serve and file written notice of nonopposition or opposition thereto, together with a memorandum of points and authorities and supporting affidavits, if any, stating facts showing why the motion and/or joinder should be denied. Failure of the opposing party to serve and file written opposition may be construed as an admission that the motion and/or joinder is meritorious and a consent to granting the same.

(f) An opposition to a motion that contains a motion related to the same subject matter will be considered as a countermotion. A countermotion will be heard and decided at the same time set for the hearing of the original motion if a hearing was requested, unless the court sets it for hearing at a different time.

(g) A moving party may file a reply memorandum of points and authorities not later than 7 days before the matter is set for hearing by the clerk, if a hearing was requested or set by the court. A reply memorandum must not be filed within 7 days of the hearing or in open court unless court approval is first obtained. If a hearing has not been requested or set by the court, any reply must be filed and served not later than 7 days after service of the opposition.

(h) Whenever a motion is contested, a courtesy copy of the motion, along with all related briefing, affidavits, and exhibits, shall be delivered by the movant to the appropriate department at least 7 days prior to the date of the hearing. If no hearing has been requested, the courtesy copy shall be delivered after the time for the filing of the last briefing paper has run.

(i) A memorandum of points and authorities that consists of bare citations to statutes, rules, or case authority does not comply with this rule and the court may decline to consider it. Supplemental briefs will only be permitted if filed within the original time limitations of paragraphs (d), (e), or (g), or by order of the court.

(j) If a petition, writ, application or motion has been fully briefed but is not calendared for hearing or decision, the party seeking relief shall deliver to the chambers of the assigned department a Notice of Readiness for Decision.

Rule 2.22. Motions; appearance of counsel; and stipulations and orders for extension of time.

(a) Unless the date for the hearing of a motion is vacated or continued as provided in these rules, counsel for all parties to the motion must appear on the date and at the time set for hearing.

(b) Counsel may not remove motions from the calendar by calling the clerk or the judge's chambers. If the date for the hearing of the motion has been set by the clerk, all interested parties to the motion may file a stipulation and order to vacate or continue the hearing of the motion. Written stipulations and orders must be filed not less than 1 day before the hearing date. Unless otherwise directed by the court, if the stipulation is not in writing, counsel for movant must appear at the hearing to present the oral stipulation. A hearing

date that has been vacated or continued by stipulation and order may only be reset by stipulation and order that sets the same for hearing not less than 7 days from the date the new stipulation and order is filed.

(c) All interested parties to a motion may stipulate to continue the day fixed for the filing of an opposition or reply thereto. Such stipulation is ineffective unless it:

(1) Is in writing,

(2) Is filed with the clerk before the day fixed for filing the opposition or reply, and

(3) Contains an agreement and order extending the date for the hearing of the motion not less than the number of days granted as a continuance for the filing of the response or reply.

(d) When it appears to the court that a hearing date has been set by the clerk, the court may not, unless the other business of the court requires such action, continue the matter except as provided in this rule or upon a showing by motion supported by affidavit or oral testimony that such continuance is in good faith, reasonably necessary and is not sought merely for delay.

Rule 2.24. Rehearing of motions.

(a) No motions once heard and disposed of may be renewed in the same cause, nor may the same matters therein embraced be reheard, unless by leave of the court granted upon motion therefor, after notice of such motion to the adverse parties.

(b) A party seeking reconsideration of a ruling of the court, other than any order that may be addressed by motion pursuant to NRCP 50(b), 52(b), 59 or 60, must file a motion for such relief within 14 days after service of written

notice of the order or judgment unless the time is shortened or enlarged by order. A motion for rehearing or reconsideration must be served, noticed, filed and heard as is any other motion. A motion for reconsideration does not toll the period for filing a notice of appeal from a final order or judgment.

(c) If a motion for rehearing is granted, the court may make a final disposition of the cause without reargument or may reset it for reargument or resubmission or may make such other orders as are deemed appropriate under the circumstances of the particular case.

Rule 2.26. Shortening time. Ex parte motions to shorten time may not be granted except upon an unsworn declaration under penalty of perjury or affidavit of counsel or a self-represented litigant describing the circumstances claimed to constitute good cause and justify shortening of time. If a motion to shorten time is granted, it must be served upon all parties promptly. An order that shortens the notice of a hearing to less than 14 days may not be served by mail. In no event may the notice of the hearing of a motion be shortened to less than 1 day.

Rule 2.34. Discovery disputes; conferences; motions; stays.

(a) Unless otherwise ordered, all discovery disputes (except disputes regarding any extension of deadlines set by the discovery scheduling order, or presented at a pretrial conference or at trial) must first be heard by the discovery commissioner.

(b) Upon reasonable notice, the discovery commissioner may direct the parties to appear for a conference with the commissioner concerning any discovery dispute. Unless otherwise directed, points and authorities need not

be filed prior to a conference noticed by the commissioner. Counsel may not stipulate to vacate or continue a conference without the commissioner's consent.

(c) The commissioner may shorten or extend any of the times provided for in Rule 2.20 on any discovery motion.

(d) Discovery motions may not be filed unless an affidavit of moving counsel is attached thereto setting forth that after a discovery dispute conference or a good faith effort to confer, counsel have been unable to resolve the matter satisfactorily. A conference requires either a personal or telephone conference between or among counsel. Moving counsel must set forth in the affidavit what attempts to resolve the discovery dispute were made, what was resolved and what was not resolved, and the reasons therefor. If a personal or telephone conference was not possible, the affidavit shall set forth the reasons. If the responding counsel fails to answer the discovery, the affidavit shall set forth what good faith attempts were made to obtain compliance. If, after request, responding counsel fails to participate in good faith in the conference or to answer the discovery, the court may require such counsel to pay to any other party the reasonable expenses, including attorney fees, caused by the failure. When a party is not represented by counsel, the party shall comply with this rule.

(e) The commissioner may stay any disputed discovery proceeding pending resolution by the judge.

(f) Following the hearing of any discovery motion or other contested matter, heard by or submitted to the discovery commissioner, the commissioner must prepare and file a report with the commissioner's recommendations for a resolution of each unresolved dispute. The

commissioner may direct counsel to prepare the report in accordance with Rules 7.21 and 7.23. The commissioner must file the report with the court and serve a copy of it on each party.

(1) Objections. Within 14 days after being served with a report, any party may file and serve written objections to the recommendations. Points and authorities may be filed with an objection but are not mandatory. If points and authorities are filed, any other party may file and serve responding points and authorities within 7 days after being served with the objections.

(2) Review. Upon receipt of a discovery commissioner's report, any objections, and any response, the court shall:

(A) Affirm, reverse, or modify the discovery commissioner's ruling without a hearing;

(B) Set the matter for a hearing; or

(C) Remand the matter to the discovery commissioner for reconsideration or further action.

(g) Papers or other materials submitted for the discovery commissioner's *in camera* inspection must be accompanied by a captioned cover sheet complying with Rule 7.20 that indicates that it is being submitted *in camera.* All *in camera* submissions must also contain an index of the specific items submitted. A copy of the index must be furnished to all other parties. The party submitting the materials *in camera* must provide one copy of the materials without redactions and one set of materials with proposed redactions. If the *in camera* materials consist of documents, counsel must provide to the commissioner an envelope of sufficient size into which the *in camera* papers can be sealed without being folded.

(h) If when counsel meet and confer pursuant to NRCP 16.1, they discover that the parties would benefit from participating in a settlement conference, that information along with 5 dates consistent with the settlement program on which it can be held should be included in the case conference report prepared pursuant to NRCP 16.1(c). The discovery commissioner will then pass said information on to the department managing the settlement conference program, and the department will contact counsel to get the case so scheduled.

Rule 2.35. Extension of discovery deadlines.

(a) Stipulations or motions to extend any date set by the discovery scheduling order must be in writing and supported by a showing of good cause for the extension and be filed no later than 21 days before the discovery cut-off date or any extension thereof. A request made beyond the period specified above shall not be granted unless the moving party, attorney or other person demonstrates that the failure to act was the result of excusable neglect.

(1) All stipulations to extend any discovery scheduling order deadline shall be submitted to the assigned judge and shall include on the last page thereof the words "IT IS SO ORDERED" with a date and signature block for the judge's signature.

(2) A motion to extend any discovery scheduling order deadline shall be set in accordance with Rule 2.20.

(b) Every motion or stipulation to extend or reopen discovery shall include:

(1) A statement specifying the discovery completed;

(2) A specific description of the discovery that remains to be completed;

(3) The reasons why the discovery remaining was not completed within the time limits set by the discovery order;

(4) A proposed schedule for completing all remaining discovery;

(5) The current trial date; and

(6) Immediately below the title of such motion or stipulation a statement indicating whether it is the first, second, third, etc., requested extension, e.g.:

STIPULATION FOR EXTENSION OF TIME TO COMPLETE DISCOVERY (FIRST REQUEST)

(c) The court may set aside any extension obtained in contravention of this rule.

Rule 2.55. Discovery scheduling order.

(a) All cases that were not commenced by the filing of a complaint are exempt from the entry of a scheduling order pursuant to NRCP 16(b).

(b) Except in actions exempted by the trial court as inappropriate, the judge shall, after receiving input from the attorneys for the parties and any unrepresented parties by way of a case conference report and/or a scheduling conference, enter a scheduling order that limits the time:

(1) To complete discovery obligations;

(2) To join other parties and to amend the pleadings; and

(3) To file and hear dispositive motions.

(c) When a trial date is vacated without resetting, the judge shall enter an amended scheduling order.

Rule 2.60. Trial setting orders.

(a) A case commenced by the filing of a complaint must first have a scheduling order entered before a trial date is set. The court shall prepare, serve and file a notice or order setting the case for trial.

(b) In the trial setting order, the court may in its discretion set dates for the attorneys for the parties and any unrepresented parties to appear before it for pretrial conferences to facilitate settlement, to participate in a calendar call, to complete pretrial motion practice (in addition to that set forth in the scheduling order) and to discuss any other matters, as set forth in NRCP 16(c) and (e).

(c) When a case that was not commenced by the filing of a complaint is at issue, any party may request the setting of an NRCP 16(a) pretrial conference and trial date by filing and serving on all other parties a "Request for Rule 16 Conference [Hearing Requested]."

Rule 3.24. Discovery motions.

(a) Any defendant who wishes to make a request for discovery from the prosecuting attorney pursuant to the provisions of NRS 174.235, and any prosecuting attorney who wishes to make a request for discovery from a defendant pursuant to the provisions of NRS 174.245, may make such request orally, on the record, at the time of initial arraignment. Such requests shall trigger the obligations to comply as set forth in NRS 174.234 through 174.295. The clerk shall memorialize said requests in the court minutes of the initial arraignment.

(b) The provisions of this rule are not intended to affect any obligation placed upon the prosecuting attorney by the Constitution of the State of Nevada or the Constitution of the United States to disclose exculpatory evidence to the defendant.

Rule 3.80. Release from custody; bail reduction.

(a) When an individual is arrested on probable cause or on an arrest warrant, any district judge may, on an emergency basis only, unilaterally, without contact with a prosecutor, grant a release upon the individual's own recognizance pursuant to NRS 178.4851 and 178.4853 or reduce the amount of bail below the standard bail, provided that the arrest is for a misdemeanor, gross misdemeanor, non-violent felony, or some combination thereof. Before the court may grant an own recognizance release or bail reduction, the court must be satisfied that the individual arrested will likely appear in court at the next scheduled appearance date and does not present a threat in the interim if released. Once the individual arrested makes an initial court appearance, all issues regarding custodial status shall be addressed by the judge assigned the case or any other judge specifically designated or authorized by the assigned judge. A judge designated or authorized by the assigned judge, or by court rule, may release an individual from a bench warrant for a misdemeanor, gross misdemeanor or non-violent felony, or some combination thereof.

(b) When an individual is arrested on probable cause for a violent felony offense or on a bench warrant for a violent felony offense issued by the district court, justice court, or municipal court, a district judge shall not grant an own recognizance release or reduce the amount of bail established unless the judge provides an opportunity pursuant to NRS 178.486 for the prosecution to take

a position thereon by telephone or in person, either in chambers or in open court. A district court judge may unilaterally increase bail for an individual arrested for a violent felony if the court is satisfied that the individual arrested will not likely appear in court at the next scheduled appearance date or presents a threat to the community in the interim if released.

(c) Between the time of an individual's arrest on probable cause, a bench warrant, or an arrest warrant and his or her subsequent court appearance, ex parte contact between the court and any person interested in the litigation regarding the individual's custodial status shall be allowed where the purpose is administrative or an emergency and the court reasonably believes that no party will gain a procedural, substantive, or tactical advantage as a result, the ex parte communication, and where the court makes provision to promptly notify all other parties of the substance of the ex parte communication and gives the parties an opportunity to respond.

Rule 5.102. General terms and definitions.

(a) Affidavit. Unless the context indicates otherwise, "affidavit" includes an affidavit, a sworn declaration, and an unsworn declaration under penalty of perjury.

(b) Child custody proceeding. A "child custody proceeding" is any proceeding in which legal custody, physical custody, or visitation with respect to a minor child is an issue.

(c) Close of discovery. Unless otherwise ordered by the court, or otherwise required by another rule or statute, the expression "close of discovery" or references to a date by which discovery is due refers to the date

by which discovery is to be completed, not the date on which it is to be requested.

(d) Day. A "day" is a 24-hour period from 12:00 a.m. to 11:59 p.m., regardless of the day of the week it falls or whether the courts are open on that day.

(e) Domestic violence orders. A "domestic violence order" is a temporary protective order (TPO) or extended order of protection (EOP) issued by either a hearing master subject to the approval of a district court judge or directly by a district court judge.

(f) Family division matters. A "family division matter" is any matter heard in the family division.

(g) Judge or court. Unless the context indicates otherwise, the term "judge" or "court" means the presiding judicial officer, whether a district court judge, hearing master, commissioner, or similar presiding officer.

(h) NRCP. Unless the context indicates otherwise, references to "the NRCP" are to the current version of the Nevada Rules of Civil Procedure.

(i) Order. Unless the context indicates otherwise, "order" includes any disposition, decree, judgment, injunction, etc., issued by a court and filed by the clerk.

(j) Party. Unless the context indicates otherwise, "a party" means a party personally, if unrepresented, or that party's counsel of record, if represented.

(k) Pleadings, papers, and filings. "Pleadings" are the documents listed in NRCP 7(a). "Papers" are the documents listed in NRCP 7(b). Unless the context indicates otherwise, "filings" are papers filed in an action.

(l) Sanctions. Unless the context indicates otherwise, "sanctions" includes:

(1) Sums payable as the court directs;

(2) An award of attorney fees and costs to the opposing party; and

(3) Procedural or substantive orders, such as dismissal, default, or other order.

(m) Service. Unless the context indicates otherwise, "service" means the providing of documents to a party in accordance with the statutes, rules, and court orders relevant to them. "Personal service" has the meaning described in NRCP 5. Nothing in these rules permits service of a document by any means not provided for service of that document by other statute, rule, or court order. Unless the context indicates otherwise, "service" means the initiation of service by depositing papers into the mail, transmitting electronically, etc., not the receipt of the service.

Rule 5.206. Filing and service of papers.

(a) Except as otherwise provided by these rules as to ex parte motions and orders, the clerk shall accept upon receipt an electronically filed document calling for the assignment of hearing dates or other administrative actions and perform those tasks, subject to cancellation if the document is subsequently rejected for filing. The presiding judge must approve in advance any basis or grounds used by the clerk for rejection of filings.

(b) A copy of any documents filed must be served on all other parties to an action, in accordance with the NRCP, the Nevada Electronic Filing and Conversion Rules, the Eighth Judicial District Electronic Filing and Service Rules, and these rules, within 3 days of submission for filing.

(c) If, after serving copies as provided in section (b), the filing party receives a hearing time not contained in the original service, and notice of the hearing has not been provided by the clerk, the filing party must serve a notice of hearing on all other parties to the action, in accordance with the NRCP and these rules, within 3 days of receiving the hearing time.

(d) If another rule, statute, or court order directs a pleading, paper, or filing to be served by some other method or on some other schedule, or permits a filing ex parte, then section (b) of this rule does not apply.

Rule 5.207. Summary disposition and uncontested matters.

(a) Unless a hearing is required by statute or by the court, any uncontested, stipulated, or resolved matter may be submitted to the court for consideration without a hearing.

(b) Any child custody proceeding not referencing a written custody and visitation agreement shall require an affidavit by the moving party reciting:

(1) The date the parties separated.

(2) With whom the child has lived during the preceding 6 months.

(3) The contact the child has had with both parents in the past 6 months.

(4) The proposed custody and visitation schedule for the other party and the child, including specific reasons, if any, why visitation should be denied, restricted, or supervised, with all necessary specifics of whatever contact is requested.

(c) An affidavit to corroborate residency shall state the address of the affiant and how long the affiant has been a resident of this state, how the affiant is acquainted with the party whose residency is being corroborated, the

total length of time the affiant knows that the party has resided in this state, that the affiant can verify the affiant's personal knowledge that the party is a resident of this state, and the basis of the affiant's personal knowledge.

(d) An uncontested family division matter may be heard on any day and time that the assigned judge is hearing uncontested matters. Unless otherwise ordered, a request that the court hear an uncontested case must be made to the clerk not later than 7 days before the day on which the case is to be heard, and all relevant papers must be filed with the clerk at or before the time the request for the uncontested setting is made. If the judge who was to hear an uncontested case is absent at the time set for that hearing, the case may be heard by any other judge.

Rule 5.210. Trial and hearings may be private pursuant to NRS 125.080.

(a) Except as otherwise provided by another rule or statute, the court shall, upon demand of either party, direct that the hearing or trial in an action for divorce be private.

(b) Except as otherwise provided in subsections (c) or (d), upon such demand of either party, all persons must be excluded from the court or chambers wherein the action is tried, except:

(1) The officers of the court;

(2) The parties;

(3) The counsel for the parties and their staff;

(4) The witnesses (including experts);

(5) The parents or guardians of the parties; and

(6) The siblings of the parties.

(c) The court may, upon oral or written motion of either party or on its own motion, exclude the parents, guardians, or siblings of either party, or witnesses for either party, from the court or chambers wherein the hearing or trial is conducted. If good cause is shown for the exclusion of any such person, the court shall exclude any such person.

(d) If the court determines that the interests of justice or the best interest of a child would be served, the court may permit a person to remain, observe, and hear relevant portions of proceedings notwithstanding the demand of a party that the proceeding be private.

(e) The court shall retain supervisory power over its own records and files, including the electronic and video records of proceedings. Unless otherwise ordered, the record of a private hearing, or record of a hearing in a sealed case, shall be treated as confidential and not open to public inspection. Parties, their attorneys, and such staff and experts as those attorneys deem necessary are permitted to retain, view, and copy the record of a private hearing for their own use in the representation. Except as otherwise provided by rule, statute, or court order, no party or agent shall distribute, copy, or facilitate the distribution or copying of the record of a private hearing or hearing in a sealed case (including electronic and video records of such a hearing). Any person or entity that distributes or copies the record of a private hearing shall cease doing so and remove it from public access upon being put on notice that it is the record of a private hearing.

Rule 5.305. Expert testimony and reports.

(a) No party to an action pending before the court may cause a child who is subject to the jurisdiction of the court to be examined by a therapist,

counselor, psychologist, or similar professional for the purpose of obtaining an expert opinion for trial or hearing except upon court order, upon written stipulation of the parties, or pursuant to the procedure prescribed by the NRCP.

(b) When it appears that an expert medical, psychiatric, or psychological evaluation is necessary for any party or minor child, the parties shall attempt to agree to retention of one expert. Upon request of either party, or on its own initiative, the court may appoint a neutral expert if the parties cannot agree on one expert and make provisions for payment of that expert.

Rule 5.401. Pre-CMC/ECE filings and procedure. Within 14 days after each case conference, but not later than 7 days before a scheduled case management conference, the parties must file a joint early case conference report, or if the parties are unable to agree upon the contents of a joint report, each party must file and serve an individual early case conference report, any of which must contain:

(a) A statement of jurisdiction.

(b) A brief description of the nature of the action and each claim for relief or defense.

(c) If custody is at issue in the case, a proposed custodial timeshare and a proposed holiday, special day, and vacation schedule.

(d) A list of all documents provided at or as a result of the case conference, together with any objection that the document is not authentic or genuine. The failure to state an objection to the authenticity or genuineness of a document constitutes a waiver of such objection at a subsequent hearing or

trial. For good cause, the court may permit the withdrawal of a waiver and the assertion of an objection.

(e) A list of all documents not provided under NRCP 16.205(d), together with the explanation as to why each document was not provided.

(f) For each issue in the case, a statement of what information, documents, witnesses, and experts are needed, along with a proposed plan and schedule of any additional discovery.

(g) A list of the property (including pets, vehicles, real estate, retirement accounts, pensions, etc.) the litigant seeks to be awarded in the action.

(h) The list of witnesses exchanged in accordance with NRCP 16.205(e)(3) and (4).

(i) Identification of each specific issue preventing immediate global resolution of the case, along with a description of what action is necessary to resolve each issue identified.

(j) A litigation budget.

(k) Proposed trial dates.

Rule 5.402. CMC/ECE proceedings.

(a) At the case management conference, the court, counsel, and the parties must:

(1) Confer and consider the nature and basis of the claims and defenses, the possibilities for a prompt settlement or resolution of the case, and whether orders should be entered setting the case for settlement conference and/or for trial.

(2) Make or arrange for the disclosures required and to develop a discovery plan, which may include limitations on discovery or changes in the timing of discovery requirements otherwise required.

(3) Recite stipulated terms on the record under local rules.

(b) The court should also:

(1) Enter interim orders sufficient to keep the peace and allow the case to progress.

(2) For matters that are claimed to be in contest, give direction as to which party will have which burden of proof.

(3) Discuss the litigation budget and its funding.

(4) Enter a scheduling order.

(c) The court may also address, and if possible resolve, the following, if relevant:

(1) Whether there are any issues as to grounds or jurisdiction.

(2) Custody and visitation relating to any minor child, including any anticipated testimony of a minor child.

(3) Support of any minor child.

(4) Temporary possession and control of property, including residences and vehicles.

(5) Allocation of responsibility for payment of debts.

(6) Payment of temporary spousal support or maintenance.

(7) Any procedural issues present in the action.

(8) Whether any or all issues in the case can be immediately settled, resolved, and removed from the field of litigation.

Rule 5.502. Motion, opposition, countermotion, and reply submission and setting.

(a) All motions must contain the following notice on the first page directly below the case caption:

> NOTICE: YOU MAY FILE A WRITTEN RESPONSE TO THIS MOTION WITH THE CLERK OF THE COURT AND PROVIDE THE UNDERSIGNED WITH A COPY OF YOUR RESPONSE WITHIN 14 DAYS OF YOUR RECEIPT OF THIS MOTION. FAILURE TO FILE A WRITTEN RESPONSE WITH THE CLERK OF THE COURT WITHIN 14 DAYS OF YOUR RECEIPT OF THIS MOTION MAY RESULT IN THE REQUESTED RELIEF BEING GRANTED BY THE COURT WITHOUT A HEARING PRIOR TO THE SCHEDULED HEARING DATE.

(b) All motions must be set on a day when the judge to whom the case is assigned is hearing civil domestic motions and not less than 35 days from the date the motion is filed.

(c) Within 14 days after service of the motion, the opposing party may file and serve a written opposition, with or without a countermotion, together with a memorandum of points and authorities and supporting affidavits, if any, addressing the subject matter of the motion.

(d) A timely countermotion will be heard and decided at the same time set for the hearing of the original motion and no separate notice of motion is required.

(e) The party filing the initial motion may file a reply memorandum of points and authorities not later than 7 days after service of the opposition.

Absent leave or direction of the court, no reply to an opposition to a countermotion shall be filed.

(f) If all the civil domestic judges in this district are disqualified from hearing a case, a notice of motion must state: "Please take notice that the undersigned will bring the above motion for hearing before a visiting or senior judge at such time as shall be prescribed by the court administrator."

(g) The first page of each motion, opposition (whether the opposition includes a countermotion), or reply shall include an option for the submitting party to request an oral argument hearing. If the motion, opposition, and/or reply did not request an oral argument hearing, the clerk shall set the matter on the court's chamber calendar; if one or more of those submissions has requested an oral argument hearing, the clerk shall set the matter on the court's hearing calendar.

Rule 5.503. Motion, opposition, countermotion, and reply content.

(a) Every motion, opposition, countermotion, and reply shall include points and authorities supporting each position asserted. Points and authorities lacking citation to relevant authority, or consisting of bare citations to statutes, rules, or case authority, do not comply with this rule. The absence or deficiency of points and authorities may be construed as an admission that the filing is not meritorious, as cause for denial of all positions not supported.

(b) Failure of an opposing party to serve and file a written opposition may be construed as an admission that the motion is meritorious and a consent that it be granted.

(c) An opposition to a motion that contains a motion related to the same subject matter will be considered as a countermotion.

(d) Citations to decisions of the Supreme Court or Court of Appeals of the State of Nevada shall include the citation to Nevada Reports and to West's Pacific Reporter and the year of the decision. Whenever a decision of an appellate court of any other state is cited, the citation to West's Regional Reporter System shall be given together with the state and the year of decision. When a decision of the Supreme Court of the United States is cited, at least one parallel citation and year of decision shall be given. When a decision of the Court of Appeals or of a District Court or other court of the United States has been reported in the Federal Reporter System, that citation, court, and year of decision shall be given.

Rule 5.504. Motion, opposition, countermotion, and reply format. Filings submitted in hard copy shall comply with these specifics. Filings submitted electronically shall comply with these specifics to the degree relevant to electronic documents. Filings furnished by the clerk, the district attorney, the public defender, or a self-help center established by the court must only comply with these specifics as directed by the presiding judge.

(a) Paper size, line spacing, margins, and page numbers.

(1) Paper filings should be on 8.5 × 11-inch white paper. All filings should be prepared by a process sufficient to be printed, copied, or scanned. Only one side of the paper may be used.

(2) All or part of a filing may be legibly handwritten at the discretion of the court. No original filing may be amended by making erasures

or interlineations on a document, or by attaching slips to it, except by leave of court.

(3) Pages should be numbered consecutively at the bottom. Lines of pages should be numbered in the left margin, which shall measure one inch in width.

(4) The lines on each page should be double spaced, except that descriptions of real property or other reference and citation material may be single spaced. All quotations of more than 50 words should be indented and single spaced.

(b) Identification of filer, court, parties, and filing.

(1) At the upper left corner of the first page of every filing, single spaced, starting on line one, the filer shall list the document code (available from the clerk's office); the name (and if applicable, Nevada State Bar identification number) and address of the filer; the telephone number and email address of the filer and of any associated attorney appearing for the filer, or that there are no such numbers for the filer; and whether the filer is or represents the plaintiff, defendant, or other party.

(2) Centered, below the identifying information specified above, the filing shall recite:

DISTRICT COURT
FAMILY DIVISION
CLARK COUNTY, NEVADA

(3) Below the title of the court, to the left of center, the filing shall recite the name of the action or proceeding, e.g., JOHN DOE, Plaintiff, vs. RICHARD ROE, Defendant.

(4) Below the title of the court, to the right of center, the filing shall recite the case number, the department number or letter, and if known the date and time of the proceeding to which the filing relates.

(5) Centered, below the other information detailed above, the filing shall recite the title of the filing, sufficient in description to apprise the court and opposing party of the nature of the document filed, or the relief sought, e.g., Plaintiff's Motion to Compel Answers to Interrogatories; Defendant's Motion for Summary Judgment against Plaintiff John Doe; Order Granting Plaintiff Doe's Motion for Summary Judgment against Defendant Roe.

(c) Typeface. Either a proportionally spaced or a monospaced typeface may be used.

(1) A proportionally spaced typeface (e.g., Century Schoolbook, CG Times, Times New Roman, and New Century) should be 14 points or larger. Footnotes should be 12 points or larger.

(2) A monospaced typeface (e.g., Courier and Pica) may not contain more than 10.5 characters per inch (e.g., 12 point Courier). Footnotes should be 12 points or larger.

(3) Unrepresented litigants may use elite type, 12 characters per inch, if they lack access to a device producing larger characters. Footnotes should be 12 points or larger.

(d) Type styles. A brief should be set in a plain, roman style, although underlining, italics, or boldface may be used for emphasis. Case names should be italicized or underlined.

(e) Length.

(1) Page limitation. Unless permission of the court is obtained, a motion, opposition, or reply shall not exceed 30 pages.

(2) Type volume limitation. A motion, opposition, or reply is acceptable if it contains no more than 14,000 words, or if it uses a monospaced typeface and contains no more than 1,300 lines of text.

(3) Computing page and type volume limitation. Any table of contents, table of authorities, notice of motion, certificate of service, affidavit, and any exhibits do not count toward a filing's page or type volume limitation. The page or type volume limitation applies to all other portions of a filing beginning with the statement of facts, including headings, footnotes, and quotations. Pages in a filing preceding the statement of facts should be numbered in lowercase Roman numerals, and pages in the brief beginning with the statement of facts should be numbered in Arabic numerals.

(4) A request to exceed page limit or type volume limitation is disfavored but may be requested within a filing or in a separate filing for that purpose on or before the filing's due date and shall state the reasons for the request and the number of additional pages, words, or lines of text requested. It is the responsibility of the submitting party to conform to the formatting rules.

Rule 5.505. Proposed orders. Parties may supply proposed orders to the court and opposing party at least 7 days prior to the hearing. Proposed orders may include such findings, conclusions, and orders as the submitting party believes relevant to each point in dispute in the proceedings. Unless otherwise directed by the court, a party may supply an editable electronic copy of a proposed order to the court's law clerk concurrently with the submission of the proposed order. The presiding judge shall direct what format is

acceptable for such editable submissions, or make other administrative directions relating to proposed orders.

Rule 5.506. Affidavits relating to motions. Unless otherwise required by another rule, statute, or court order, affidavits relating to motions, oppositions, countermotions, replies, or other papers may incorporate all factual averments by reference in substantially the following form:

> I have read the foregoing _____, and the factual averments it contains are true and correct to the best of my knowledge, except as to those matters based on information and belief, and as to those matters, I believe them to be true. Those factual averments contained in the referenced filing are incorporated here as if set forth in full.

Rule 5.507. Financial disclosure required for motions involving money. Unless otherwise ordered by the court, or otherwise required by another rule or statute:

(a) A General Financial Disclosure Form (GFDF) must be filed in support of any motion or countermotion that includes a request to establish or modify child support, spousal support, fees and allowances, exclusive possession of a residence, or any matter involving money to be paid by a party.

(b) A GFDF must be filed in support of any opposition to a motion or countermotion described in section (a).

(c) All financial disclosures must be filed on the form(s) specified by the NRCP.

(d) A financial disclosure must be filed within 3 days of the filing of the motion, countermotion, or opposition it supports, and may only be filed in open court with leave of the judge upon a showing of excusable delay.

(e) Every GFDF filing shall include copies of the filing party's 3 most recent paycheck stubs (or equivalent).

(f) An assertion within a motion, opposition, or countermotion that there has been no material change in a financial disclosure filed within the preceding 6 months satisfies this rule.

(g) The court may construe any motion, opposition, or countermotion not supported by a timely, complete, and accurate financial disclosure as admitting that the positions asserted are not meritorious and cause for entry of orders adverse to those positions, and as a basis for imposing sanctions.

(h) In paternity matters, or postjudgment family division matters, only the case information, household, and income and expense sections of the GFDF need be completed. For good cause shown, the court may require a party to complete the remaining portions of the GFDF.

(i) For good cause shown, the court may require a party to file a Detailed Financial Disclosure Form (DFDF).

Rule 5.508. Schedule of arrearages required for motions seeking arrearages in periodic payments. A motion alleging the existence of arrears in payment of periodic child support, spousal support, or other periodic payment shall be accompanied by a separately filed schedule showing the date and amount of each payment due, and the date and amount of any payments received. The schedule may include a calculation of interest, any applicable

penalties, and an explanation of how those sums were calculated, following a declaration in substantially the following form:

> Under penalty of perjury, pursuant to the best information known and available to me, the following schedule accurately sets out the dates and amounts of periodic payments due pursuant to a lawful court order, the dates and amounts of all payments received, and the principal, interest, and penalties due.
>
> I declare under penalty of perjury, under the laws of the State of Nevada and the United States (NRS 53.045 and 28 U.S.C. § 1746), that the foregoing is true and correct.
>
> EXECUTED this ____ day of _____, 20___.
>
> _____
> [Name of party or attorney filing the schedule]

Rule 5.509. Supplements relating to motions.

(a) Supplements to motions, oppositions, countermotions, or replies must be filed at least 1 day prior to the hearing.

(b) A supplement must pertain to the subject matter of an existing filing, provide information that could not reasonably have been supplied in the earlier filings, and reference the subject matter and filing to which it relates.

(c) Upon the request of any party or for good cause shown, the filing of a supplement may be found by the court as grounds for any or all of:

(1) Continuance of a hearing, with or without issuance of temporary orders;

(2) An award of fees in favor of a party not filing the supplement; or

(3) An order striking the supplement; and direction that the subject matter of the filing be addressed in a separate motion.

Rule 5.510. Motions and procedure for orders to show cause.

(a) A motion seeking an Order to Show Cause (OSC) for contempt must be accompanied by a detailed affidavit complying with NRS 22.030(2) that identifies the specific provisions, pages and lines of the existing order(s) alleged to have been violated, the acts or omissions constituting the alleged violation, any harm suffered or anticipated, and the need for a contempt ruling, which should be filed and served as any other motion.

(b) The party seeking the OSC shall submit an ex parte application for issuance of the OSC to the court, accompanied by a copy of the filed motion for OSC and a copy of the proposed OSC.

(c) Upon review of the motion and application, the court may:

(1) Deny the motion and vacate the hearing;

(2) Issue the requested OSC, to be heard at the motion hearing;

(3) Reset the motion hearing to an earlier or later time; or

(4) Leave the hearing on calendar without issuing the OSC so as to address issues raised in the motion at that time, either resolving them or issuing the OSC at the hearing.

(d) If an OSC is issued in advance of the first hearing, the moving party shall serve it and the application for OSC on the accused contemnor.

(e) At the first hearing after issuance of an OSC, the accused contemnor may be held in contempt, or not, or the court may continue the hearing with directions on the issue. At the first or any subsequent hearing after issuance

of an OSC, if the accused contemnor does not appear, a bench warrant may be issued to secure attendance at a future hearing, or other relief may be ordered.

Rule 5.511. Motions in limine.

(a) Except as otherwise provided herein or by court order, a motion in limine to exclude or admit evidence must ordinarily be in writing and must be heard not less than 7 days prior to trial.

(b) Where the facts that would support a motion in limine arise or become known after it is practicable to file a motion in the ordinary course as set forth above, the filing party may seek an order shortening time to hear the motion as provided by these rules, or bring an oral motion in limine at a hearing.

(c) A written motion in limine must be supported by affidavit and, if not filed in the ordinary course, must detail how and when the facts arose or became known. The motion shall also set forth that after a conference or a good faith effort to confer, counsel were unable to resolve the matter satisfactorily, detailing what attempts to resolve the dispute were made, what was resolved and what was not resolved, and why. A conference requires either a personal or telephone conference between or among the parties. If a personal or telephone conference was not possible, the motion shall set forth the reasons.

Rule 5.512. Extensions of time relating to motions.

(a) Immediately below the title of any motion or stipulation for extension of time to file any opposition or reply, there shall also be included a statement indicating whether it is the first, second, third, etc., requested extension.

(b) The parties may by agreement extend the time within which an opposition or reply must be filed, so long as any scheduled hearing is unaffected, or is continued if it would be affected; notice is contemporaneously provided to the court; and all filings relating to the hearing are filed at least 7 days before the scheduled hearing. Compliance with these conditions shall be considered compliance with the requirements of NRCP 6(b).

(c) A party may file a motion for an extension of time to file an opposition or reply. Such a motion must explain why it could not be obtained by stipulation and be supported by affidavit.

(d) Except as otherwise provided by other rule, statute, or court order, an ex parte motion to extend the time for filing an opposition or reply will not ordinarily be granted. An order granting such a motion may extend the time for filing the subject opposition or reply, or may suspend the due date of that opposition or reply for such period as is required to enable the moving party to apply for a further extension by stipulation or by noticed motion, and may shorten the time until the hearing of such a noticed motion.

Rule 5.513. Reconsideration and/or rehearing of motions.

(a) A party seeking reconsideration and/or rehearing of a ruling (other than an order that may be addressed by motion pursuant to NRCP 50(b), 52(b), 59, or 60), must file a motion for such relief not later than 14 days after service of notice of entry of the order unless the time is shortened or enlarged by order. A motion for reconsideration does not toll the period for filing a notice of appeal.

(b) If a motion for reconsideration and/or rehearing is granted, the court may make a final disposition without hearing, may set it for hearing or

resubmission, or may make such other orders as are deemed appropriate under the circumstances.

Rule 5.514. Orders shortening time for a hearing.

(a) Unless prohibited by other rule, statute, or court order, a party may seek an order shortening time for a hearing.

(b) An ex parte motion to shorten time must explain the need to shorten the time. Such a motion must be supported by affidavit.

(c) Absent exigent circumstances, an order shortening time will not be granted until after service of the underlying motion on the nonmoving parties. Any motion for order shortening time filed before service of the underlying motion must provide a satisfactory explanation why it is necessary to do so.

(d) Unless otherwise ordered by the court, an order shortening time must be served on all parties upon issuance and at least 1 day before the hearing. An order that shortens the notice of a hearing to less than 14 days may not be served by mail.

(e) If the time for a hearing is shortened to a date before the due date of an opposition, the opposing party may orally oppose the motion at the hearing. In its discretion, the court may order a written opposition to be filed after the hearing.

(f) Should the court shorten the time for the hearing of a motion, the court may direct that the subject matter of any countermotion be addressed at the accelerated time, at the original hearing time, or at some other time.

Rule 5.515. Stipulations and motions to continue or vacate a hearing.

(a) Generally.

(1) Hearings may not be removed from the calendar by calling the clerk's office or the judge's chambers.

(2) An unfiled written stipulation and order to continue a hearing signed by both parties may be submitted to chambers prior to the time of hearing by hand delivery, facsimile, or email. The court may remove the hearing from the calendar or require the parties to appear and put the stipulation on the record. If the hearing is removed from the calendar, the court will set a new hearing upon receipt of the original stipulation and order.

(3) Immediately below the title of any motion or stipulation to continue a hearing there shall also be included a statement indicating whether it is the first, second, third, etc., requested continuance of a hearing.

(b) The parties may file a stipulation to vacate the hearing of a motion, which the clerk will remove from the calendar. The parties may not stipulate to remove a trial or evidentiary hearing without also obtaining court approval by order.

(c) A party may file an ex parte motion to continue a hearing, explaining why it could not be obtained by stipulation. Such a motion must be supported by affidavit. The court may:

(1) Grant or deny the motion; or

(2) Require that notice be given to all other parties if it had not already been given, and entertain a summary written response to the request or conduct a telephonic conference within a time to be specified by court.

Rule 5.516. Courtesy copies. Unless otherwise directed by the court, any electronic filings that include documents that do not scan reliably (e.g., photographs) should be courtesy copied to the court in advance of the hearing.

Rule 5.517. Attendance at hearings.

(a) As provided by rule, statute, or court order, an unrepresented party and counsel for a represented party must appear at the time set for the hearing of any family division matter, personally, or by telephonic or audiovisual equipment.

(b) Even if represented by counsel, a party must attend a hearing if required by rule, statute, or court order, and at: case management conferences; contempt hearings directed against that party; returns from mediation; and hearings on preliminary motions relating to custody, child, or spousal support; temporary possession of a residence and protective orders, unless otherwise directed by the court.

Rule 5.518. Joint preliminary injunction (JPI).

(a) Upon the request of any party at any time prior to the entry of a decree of divorce or final judgment, a preliminary injunction will be issued by the clerk against the parties to the action enjoining them and their officers, agents, servants, employees, or a person in active concert or participation with them from:

(1) Transferring, encumbering, concealing, selling, or otherwise disposing of any of the joint, common, or community property of the parties or any property that is the subject of a claim of community interest, except in the usual course of conduct or for the necessities of life or for retention of counsel

for the case in which the JPI is obtained; or cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of:

(A) Any retirement benefits or pension plan held for the benefit (or election for benefit) of the parties or any minor child; or

(B) Any insurance coverage, including life, health, automobile, and disability coverage;

without the written consent of the parties or the permission of the court.

(2) Molesting, harassing, stalking, disturbing the peace of or committing an assault or battery on the person of the other party, or any child, stepchild, other relative, or family pet of the parties.

(3) Relocating any child of the parties under the jurisdiction of the State of Nevada from the state without the prior written consent of all parties with custodial rights or the permission of the court.

(b) Unless otherwise ordered, the clerk will affix the electronic signature of the presiding judge upon issuance of a JPI on the court's form JPI and enter it as an order of the court; any alternative language must be approved by the assigned judge.

(c) The JPI is automatically effective against the party requesting it at the time it is issued and effective upon all other parties upon service. Service of the JPI will be construed as satisfying all requirements for notice of entry of the JPI. The JPI shall be treated as a court order and is enforceable by all remedies provided by law, including contempt.

(d) Once issued, the JPI will remain in effect until a decree of divorce or final judgment is entered or until modified or dissolved by the court.

Rule 5.519. Domestic violence protection orders (TPO and EOP).

(a) Generally.

(1) The statutory evidentiary standard of "to the satisfaction of the court" shall be construed as equivalent to a reasonable cause or probable cause standard by a court considering an application for issuance of a temporary protection order (TPO) or extended order of protection (EOP).

(2) An application requesting a protection order must be based upon an affidavit setting forth specific facts within the affiant's personal knowledge establishing good cause for the order.

(3) The court may take steps to verify the written information provided by the applicant, including whether a Child Protective Services case involving any party is or has been opened, and whether any party has been or is a party to any other proceeding involving domestic violence.

(4) The court may direct representatives of Child Protective Services or other agencies to attend a protection order hearing by subpoena or court order.

(5) The court may permit any person deemed appropriate to be present during a protective order proceeding in the interests of justice notwithstanding the demand by a party that the proceeding be private.

(6) The applicant may be ordered to pay all costs and fees incurred by the adverse party if by clear and convincing evidence it is proven that the applicant knowingly filed a false or intentionally misleading affidavit.

(b) Temporary orders. Any TPO issued pursuant to NRS 33.020(5) must be set for hearing within 7 days of issuance.

(c) Extended orders.

(1) An adverse party must be served with the TPO and application for the extension of a TPO at least 1 day prior to the scheduled hearing.

(2) If the application for an EOP contains a request for financial relief, the applicant must submit financial information on such a form as the court deems necessary.

(3) No EOP may be renewed beyond the statutory maximum period nor may a new EOP be granted based upon the filing of a new application that does not contain a new and distinct factual basis for the issuance of a protective order.

(4) Orders on related matters made in conjunction with extension of a TPO remain in effect for the life of the EOP unless modified by the hearing master or a district court judge hearing the TPO case or another family division case relating to the same parties.

(d) Proceedings in relation with other family division matters.

(1) If both a TPO case and another family division case relating to the same parties have been filed, the hearing master must bring all TPO cases to the attention of the district court judge before taking any action. Unless the district court judge orders otherwise:

(A) If a motion is filed in the other family division case before the TPO was granted and an extension hearing is set in the TPO court, the extension hearing will be set before the district court judge.

(B) If a motion is filed in the other family division case after the TPO was granted and an extension or dissolution hearing is set in the TPO court, the extension hearing will proceed and the hearing master may make such interim orders on extension of the TPO and any related issues at the extension hearing.

(2) Unless otherwise ordered by the district court judge, once a motion in another family division case relating to the same parties has been filed, all subsequent protection order filings and related issues will be heard by the district court judge both before and after final determination of the other family division case, so long as that other case remains open, and will be heard in the TPO court once the other case is closed.

(e) Objections to recommendations of hearing master.

(1) Interim orders, modifications or dissolutions, and recommendations pursuant to decision by a hearing master remain in full force and effect unless altered by order of the assigned district court judge irrespective of the filing of any post-decision motion or objection.

(2) A party may object to a hearing master's recommendation, in whole or in part, by filing a written objection within 14 days after the decision in the matter; if the objecting party was not present at the hearing, the objection period begins upon service of the order on that party.

(3) A copy of the objection must be served on the other party. If the other party's address is confidential, service may be made on the protection order office for service on the other party.

(f) A district court judge may accept, reject, or modify any recommendation of a hearing master.

Rule 5.520. Other temporary restraining orders and preliminary injunctions.

(a) Generally.

(1) This rule governs all requests for temporary restraining orders and preliminary injunctions, except for those relating to domestic violence or joint preliminary injunctions.

(2) A party may file an ex parte motion for a temporary restraining order, a noticed motion for a preliminary injunction, or both.

(3) A motion for a temporary restraining order or preliminary injunction must be supported by affidavit.

(4) Every temporary restraining order and preliminary injunction shall state with specificity the reasons for its issuance and the act or acts sought to be restrained, without reference to other documents.

(5) Every temporary restraining order and preliminary injunction is binding on the parties to the action, their officers, agents, servants, employees, and attorneys, and on those persons in active concert or participation with them who receive actual notice of the order or injunction.

(6) Every temporary restraining order and preliminary injunction shall specify when it and all filings in support of its issuance must be served on the adverse party and specify the time for filing of the adverse party's opposition and supporting filings.

(b) Proceedings relating to ex parte temporary restraining orders.

(1) An ex parte motion for a restraining order granting temporary relief in a family division matter not more specifically governed by another rule will be considered only in cases of emergency and must detail the efforts, if any, made to give notice to the adverse party or the reasons, if any, that such notice should not be required.

(2) Every ex parte temporary restraining order shall note when it was approved by the court and shall be filed by the clerk's office forthwith.

(3) Every ex parte temporary restraining order shall state the date and time it will expire, not to exceed 30 days after its issuance, unless extended by either further court order or by a filed, written consent by the party against whom the order is directed. The reasons for any extension shall be recited in such order or consent.

(4) Every ex parte temporary restraining order shall contain an order setting the hearing on a preliminary injunction on the same subject matter as soon as is practicable.

(c) Proceedings relating to preliminary injunctions.

(1) If, at the preliminary injunction hearing set by a temporary restraining order, the party who obtained the temporary restraining order does not proceed with the application for the injunction, the court shall dissolve the temporary restraining order.

(2) A party affected by a temporary restraining order may file a motion to dissolve or modify it on 14 days' notice to the party who obtained the restraining order.

(d) Any evidence received upon an application for a preliminary injunction that would be admissible at any family division hearing becomes part of the record and need not be repeated at a later hearing.

Rule 5.521. Issuance of decisions.

(a) Once a trial, motion, or other proceeding is completed, the court may request additional information or documentation, draft a dispositional order, or render a decision and designate a party to prepare the necessary documents for the court's review and signature. In the absence of any specific direction,

the moving party (or plaintiff, for final dispositions) should draft the documents.

(b) Counsel for the parties must provide such orders, provisions, and documents as are necessary to achieve distribution or finalization of all interests at issue in the proceedings or specify on the record when, how, and by whom that distribution or finalization is to be achieved.

(c) The court may issue an order to show cause for failure of a party to prepare and submit the necessary documents as directed within the time allotted by the court. Upon submission, the court may sign the proposed documents, return them to the preparer with instructions for revision, or take such other actions as are necessary to obtain a complete written disposition of the matter.

(d) Parties may waive notice of entry. The court may elect to provide written notice of entry.

Rule 5.522. Countersignatures and direct submission of orders.

(a) Notwithstanding the directives of any local rule outside of Part V, unless otherwise ordered:

(1) The party obtaining an order, judgment, or decree shall have 7 days to prepare it and request the countersignature of the opposing party as to its form and content.

(2) The opposing party shall then have 7 days to countersign or otherwise respond.

(b) Unless otherwise ordered, if unable to obtain the countersignature of opposing counsel within 7 days, the drafting party may directly submit the proposed order to the court, copied to the opposing party, accompanied by an

explanation of the attempts made to obtain the countersignature in substantially the following form:

(1) Enclosed please find our proposed Order from the _____ hearing. Despite attempts to prepare a countersigned Order, we were unable to obtain a countersignature.

On [date], we sent our proposed Order to opposing counsel for review; we received no response. Despite a reminder letter on [date], opposing counsel has not responded. We have attached the relevant correspondence.

Having reviewed the court minutes and the hearing recording, we believe the attached proposed Order complies with this court's orders and so submit it without the signature of opposing counsel.

Or:

(2) Enclosed please find our proposed Order from the _____ hearing. Despite attempts to prepare a countersigned Order, we were unable to reach agreement with opposing counsel. We have attached the relevant correspondence.

Having reviewed the court minutes and the hearing recording, we believe the attached proposed Order complies with this court's orders and so submit it without the signature of opposing counsel.

(c) If the parties are unable to agree on the form and content of a proposed order, and the drafting party directly submits a proposed order, the opposing party may submit a proposed alternative form of order, copied to the opposing party, within 7 days of submission of the first proposed order, accompanied by a brief explanation of the reason for the disagreement and the distinction between the proposed orders in substantially the following form:

The opposing party has submitted a proposed Order from the _____ hearing. Having reviewed the court minutes and the hearing recording, we believe our attached proposed Order is more accurate than that of opposing counsel and have included the time indexes for the court's convenience.

Rule 5.523. Construction of orders requiring payment of money. Unless otherwise specified, any order calling for the payment of a sum from a party to any other person or entity shall be construed as having been reduced to judgment and made collectible by all lawful means.

Rule 5.524. Settlement conferences.

(a) At the request of any party or on its own motion, the court may order the parties to participate in a settlement conference.

(b) Unless otherwise ordered, at least 7 days before any scheduled settlement conference, each party must submit to the settlement judge a confidential settlement conference brief that is no more than 10 pages in length and addresses: the relevant facts of the case; the issues remaining unresolved and their proposed resolution; any scheduled hearings and trial dates; the dates and amounts of any demands and offers and their expiration date(s); any unusual legal issues; and any other information useful to a settlement of the matter.

(c) The confidential settlement briefs are not to be made part of the regular or confidential court file or otherwise provided to the court hearing the matter, directly or indirectly.

(d) If settlement is reached, the memorialization of settled terms shall be promptly reduced to writing and signed, or by consent placed on the record and entered in the minutes in the form of an order.

(e) To the degree practicable, these provisions are to be utilized by senior settlement judges, district court judges, settlement masters, or other persons performing the function of facilitating mediation and settlement.

Rule 5.525. Meetings of counsel before calendar call or final pretrial conference; pretrial memorandum.

(a) Prior to or at any calendar call, or at least 7 days before trial or any evidentiary hearing if there is no calendar call, the designated trial attorneys for all parties shall meet to arrive at stipulations and agreements, for the purpose of simplifying the issues to be tried, and exchange final lists of exhibits and the names and addresses of all witnesses (including experts) to be actually called or used at trial. No new exhibits or witnesses are to be added, although previously disclosed witnesses or exhibits may be eliminated, unless otherwise ordered.

(b) Except as otherwise ordered, each party must prepare a pretrial memorandum that must be filed and served on all other parties not less than 7 days before the calendar call, or 14 days before the hearing if there is no calendar call. Unless otherwise ordered, the pretrial memorandum must concisely state:

(1) A brief statement of the facts of the case, including:

(A) The names and ages of the parties.

(B) The date of the marriage.

(C) Whether any issues have been resolved and the details of the resolution.

(D) The names, birth dates, and ages of any children.

(2) If child custody is unresolved, proposed provisions for custody and visitation.

(3) If child support is unresolved, the amount of support requested and the factors that the court should consider in awarding support.

(4) If spousal support is unresolved, the form, amount, and duration requested and the factors that the court should consider in awarding support.

(5) A brief statement of contested legal and factual issues regarding the distribution of property and debts.

(6) If a request is being made for attorney fees and costs, the amount of the fees and costs incurred to date.

(7) Any proposed amendments to the pleadings.

(8) A list of all exhibits, including exhibits that may be used for impeachment, and a specification of any objections each party may have to the admissibility of the exhibits of an opposing party.

(9) A list of the names and addresses of all witnesses (including experts), other than a resident witness, that each party intends to call. Failure to list a witness, including impeachment witnesses, may result in the court precluding the party from calling that witness.

(10) If any requests involving money are at issue, a financial disclosure in accordance with these rules.

(11) A list of substantial property, all secured and unsecured indebtedness, and the proposed disposition of assets and liabilities in a format

substantially complying with court rules or any asset and debt schedule forms provided by the court.

(12) Any other matter that counsel desires to bring to the attention of the court at calendar call.

Rule 5.526. Dismissal and closing of cases; reactivation procedure.

(a) A family case that has been pending for more than 6 months and in which no action has been taken for more than 3 months may be dismissed on the court's own initiative without prejudice.

(b) A case shall be designated closed by the clerk of the court if:

(1) There has been no substantial activity in the case within 31 days of the notice of entry of decree or judgment;

(2) There has been no substantial activity in a postdispositional case within 31 days of notice of entry of a final order;

(3) There has been an involuntary dismissal without prejudice as set forth in these rules or the Nevada Rules of Civil Procedure; or

(4) Upon order of the court.

(c) Written notice of entry of a dismissal or order of the court pursuant to this rule must be given to each party who has appeared in the action. Placing a copy of a notice in the attorney's folder maintained in the office of the clerk of the court constitutes notice to that attorney.

(d) A family division case that has been dismissed pursuant to this rule will be reactivated at the written request of a party if the request is filed within 30 days of service of written notice of entry of the dismissal.

Rule 5.527. Filing fee to reopen cases. A completed fee information sheet shall be filed and the current statutory fee payable to the county clerk shall be paid upon the filing of any motion or other paper that seeks to: reopen a case; modify or adjust a final order that was issued pursuant to NRS Chapters 125, 125B, or 125C; or file an answer or response to such a motion or other paper. No such fee or information sheet is required for motions for reconsideration or for a new trial or motions filed solely to adjust the amount of child support in a final order.

Rule 5.602. Discovery disputes, conferences, motions, stays.

(a) Unless otherwise ordered, all discovery disputes (except disputes presented at a pretrial conference or at trial) must first be heard by the discovery hearing master.

(b) Upon reasonable notice, the discovery hearing master may direct the parties to appear for a conference with the hearing master concerning any discovery dispute. Unless otherwise directed, points and authorities need not be filed prior to a conference noticed by the hearing master. Counsel may not stipulate to vacate or continue a conference without the hearing master's consent.

(c) The hearing master may shorten or extend any of the times for any discovery motion.

(d) A discovery motion must set forth that after a discovery dispute conference or a good faith effort to confer, counsel were unable to resolve the matter satisfactorily, detailing what attempts to resolve the dispute were made, what was resolved and what was not resolved, and why. A conference requires either a personal or telephone conference between or among the

parties; if a personal or telephone conference was not possible, the motion shall set forth the reasons. Such a motion must be supported by affidavit.

(e) If the responding party failed to answer discovery, the motion shall set forth what good faith attempts were made to obtain compliance. If, after request, the responding party fails to participate in good faith in the conference or to answer the discovery, the court may require such party to pay to any other party the reasonable expenses, including attorney fees, caused by the failure.

(f) The hearing master may stay any disputed discovery proceeding pending resolution by the judge.

(g) Following the hearing of any discovery motion, or other contested matter heard by or submitted to a discovery commissioner, the discovery commissioner must prepare a report with the discovery commissioner's recommendations for a resolution of each unresolved dispute.

(1) The discovery commissioner may direct counsel to prepare the report.

(2) The discovery commissioner must file the report with the court and serve a copy of it on each party.

(3) If the discovery commissioner determines that the exigencies of the case do not permit application of the time frames set out in NRCP 16.3, the following time frames will apply instead. Within 7 calendar days after being served with the report, any party may file and serve written objections to the recommendations. Written authorities may be filed with an objection but are not mandatory. If written authorities are filed, any other party may file and serve responding authorities within 7 days after being served with the objections.

(4) Upon receipt of a discovery commissioner's report, any objections, and any response, the court may:

(A) Affirm, reverse, or modify the discovery commissioner's ruling without a hearing;

(B) Set the matter for a hearing; or

(C) Remand the matter to the discovery commissioner for reconsideration for further action.

(h) Papers or other materials submitted for the discovery hearing master's *in camera* inspection must be accompanied by a captioned cover sheet that indicates it is being submitted *in camera*. All *in camera* submissions must also contain an index of the specific items submitted. A copy of the index must be furnished to all other parties. The party submitting the materials *in camera* must provide one copy of the materials without redactions and one set of materials with proposed redactions. If the *in camera* materials consist of documents, counsel must provide to the hearing master an envelope of sufficient size into which the *in camera* papers can be sealed without being folded.

Rule 7.03. Service in attorney folders in Clerk's Office.

(a) Attorney folders. The clerk shall maintain a folder for each practicing attorney with cases pending in the Eighth Judicial District Court.

(b) Minute orders. The placement into an attorney of record's folder of a copy of a Minute Order prepared by a courtroom clerk shall constitute valid service of said Minute on the party represented by the attorney of record.

(c) Judicial documents. The placement into an attorney of record's folder of any judicial document, including but not limited to, Findings of Fact,

Conclusions of Law, Judgments, Decisions, and Orders, shall not constitute formal notice of entry of order or judgment, which shall be prepared and processed by the prevailing party's counsel.

Rule 7.20. Form of papers presented for filing; exhibits; documents; legal citations.

(a) All pleadings and papers presented for filing must be flat, unfolded, firmly bound together at the top, on white paper of standard quality, not less than 16-lb. weight and 8.5 × 11 inches in size. All papers must be typewritten, legibly handwritten, or prepared by some other duplication process that will produce clear and permanent copies equally legible to printing. All print size shall not be smaller than size 12-point font. All or part of a pleading or paper may be legibly handwritten at the discretion of the court. Carbon or photocopies may not be filed, except as provided in paragraphs (d) and (f) of this rule. Only one side of the paper may be used.

The lines on each page must be double-spaced, except that descriptions of real property may be single-spaced. All quotations of more than 50 words must be indented and single-spaced. Pages must be numbered consecutively at the bottom. Lines of pages must be numbered in the left margin, which shall measure one inch in width.

(b) No original pleading or paper may be amended by making erasures or interlineations thereon, or by attaching slips thereto, except by leave of court.

(c) The following information shall appear upon the first page of every document presented for filing, single-spaced:

(1) The document code (list of document codes available at the office of the clerk); the name, Nevada State Bar identification number, address, telephone number, fax number, and email address of the attorney and of any associated attorney appearing for the party filing the paper; and whether such attorney appears for the plaintiff, defendant, or other party; or the name, address, telephone number, fax number, and email address of a self-represented litigant; shall be set forth to the left of center of the page beginning at line 1. If a self-represented litigant does not have a fax number and/or email address, he or she may so indicate with "no fax number" and/or "no email address." The space to the right of center shall be reserved for the filing marks of the clerk.

CODE
NAME
BAR NUMBER
ADDRESS
CITY, STATE, ZIP CODE
TELEPHONE NUMBER
FAX NUMBER
EMAIL ADDRESS
ATTORNEY FOR:

(2) The title of the court shall appear at the center of the page at line 5 or lower below the information required by paragraph (1), as follows:

DISTRICT COURT
CLARK COUNTY, NEVADA

(3) Below the title of the court shall appear in the space to the left of center, line 8 or lower, the name of the action or proceeding, *e.g.*:

JOHN DOE, }

Plaintiff, }

vs. }

RICHARD ROE, }

Defendant. }

(4) In the space to the right of center at line 10 or lower, shall appear the case number, the department number and/or letter as follows:

Case No. A 999999

Dept. No. I or A

(5) The title of the pleading, motion or other document must be typed or printed either below the department number or in the center on the page directly below the name of the parties to the action or proceeding. The title must be sufficient in description to apprise the other parties and the clerk of the nature of the document filed, or the relief sought, *e.g.* Plaintiff's Motion to Compel Answers to Interrogatories; Defendant's Motion for Summary Judgment against Plaintiff John Doe; Order Granting Plaintiff Doe's Motion for Summary Judgment against Defendant Roe. The designation "Hearing Requested" or "Hearing Not Requested" as required by EDCR 2.20 must be typed or printed directly below the department number.

For the convenience of the court and the parties, the same title used on the documents must appear on all calendars at the time of the hearing.

(Example)

CODE

NAME

BAR NUMBER

ADDRESS

CITY, STATE, ZIP CODE

TELEPHONE NUMBER

FAX NUMBER

EMAIL ADDRESS

ATTORNEY FOR:

DISTRICT COURT

CLARK COUNTY, NEVADA

JOHN DOE,		}	
	Plaintiff,	}	Case No. A 000000
vs.		}	Dept. No. II or A
RICHARD ROE,		}	Hearing Requested
	Defendant.	}	

MOTION, ORDER, REPLY,

JUDGMENT, ETC.

Date of Hearing:

Time of Hearing:

(6) If the document to be filed is a response, reply or other document related to a matter that has already been set for hearing but not yet

heard, the time and date of the hearing shall appear immediately below the title of the paper.

(d) Any document filed after the complaint shall name the first party on each side and may refer generally to the other parties.

(e) All exhibits attached to pleadings or papers must be 8.5 × 11 inches in size. Exhibits that are smaller must be affixed to a blank sheet of paper of the appropriate size. Exhibits that are larger than 8.5 × 11 inches must be reduced to 8.5 × 11 inches or must be folded so as to measure 8.5 × 11 inches in size. All exhibits attached to pleadings or papers must clearly show the exhibit number immediately preceding the exhibit on an 8.5 × 11 inch sheet of white paper. If a courtesy copy is delivered to the Judge's chambers, all exhibits attached to pleadings or papers must be clearly divided by a tab. Plaintiffs must use numerical designations and defendants must use alphabetical designations. Copies of exhibits must be clearly legible and not unnecessarily voluminous. Original documents must be retained by counsel for introduction as exhibits at the time of a hearing or at the time of trial rather than attached to pleadings.

(f) When a decision of the Supreme Court of the State of Nevada or the Nevada Court of Appeals is cited, the citation to Nevada Reports must be given together with the citation to West's *Pacific Reporter* and the year of the decision. Whenever a decision of an appellate court of any other state is cited, the citation to West's Regional Reporter System must be given together with the state and the year of decision. When a decision of the Supreme Court of the United States is cited, at least one parallel citation and year of decision must be given. When a decision of the Court of Appeals or of a District Court or other

court of the United States has been reported in the Federal Reporter System, that citation, court and year of decision must be given.

(g) Paragraph (a), except as to the size of paper and that only one side of the paper may be used, and paragraph (c) of this rule do not apply to printed forms furnished by the clerk, the district attorney, the public defender or a self-help center established by the court. If the filed document is more than two pages, the document should use numbered pages and paragraphs.

Rule 7.21. Preparation of order, judgment or decree. The counsel or self-represented litigant obtaining any order, judgment or decree must furnish the form of the same to the clerk, judge, or judicial officer within 14 days after being notified of the ruling, unless additional time is allowed by the court.

Rule 7.26. Department boxes; courtesy copies for the court. The court administrator shall maintain suitable boxes in an appropriate location for each department of the court in which courtesy copies of motions, affidavits, points and authorities, or other papers may be deposited. Attorneys are required to leave courtesy copies of any paper filed within 7 days of a hearing at which the paper may be considered. The boxes must also be used to deliver courtesy copies of any other filed material that a party wishes the court to receive in advance of a trial or hearing. Courtesy copies must indicate the date of any hearing to which they pertain.

Rule 7.51. Procedure for appointment of the clerk of the court to execute documents pursuant to NRCP 70. As used in this rule, the term "uncooperative party" means any party that has been directed in a judgment to execute a conveyance of land, deliver deeds or other documents, or perform any other specified act, and has failed to comply within the time specified.

(a) A court order for the appointment of the clerk of the court to execute a conveyance of land, deliver deeds or other documents, or perform any other specific act, must be made by a request for order. The request for order must be filed with the court and must include a supporting declaration that complies with the requirements of part (c) of this rule. After the request for order has been filed, a proposed order must be submitted to the chambers of the assigned department.

(b) The court may consider and grant the request for order ex parte or may require that the uncooperative party be served with the request and given an opportunity to respond. The court may also set a hearing on the request for order.

(c) The supporting declaration must include the following:

(1) Identification of the judgment by title, date, page, and line number of the court order upon which the request to appoint the clerk of the court is based;

(2) A description of the good faith efforts made to have the uncooperative party satisfy the judgment, or a statement providing adequate cause why good faith efforts were not made;

(3) A statement that the judgment has not been modified by subsequent court order;

(4) A statement that the judgment has not been satisfied; or if it has been partially satisfied, what portion remains outstanding;

(5) A list of the documents to be executed by the clerk of the court; and

(6) A statement of the facts establishing the necessity of the appointment of the clerk of the court, including the reason why each document requires the clerk's signature.

(d) The proposed order must include the following:

(1) A definitive order appointing the clerk of the court to execute the documents pursuant to NRCP 70. The order cannot state the name or title of a specific court employee;

(2) The name of the uncooperative party for whom the clerk of the court is being appointed;

(3) The exact title or sufficient description that accurately identifies each document to be executed; and

(4) A copy of all documents to be executed. The copies may be redacted to prevent disclosure of private information. The clerk of the court's name or title should not be substituted for the uncooperative party's name. When possible, the document should indicate that the clerk of the court is signing on behalf of the uncooperative party.

(e) If the court grants the request for order, the party must submit the original documents to the clerk of the court for execution. When submitting the document, the party shall provide the case number where the order is entered, contact information for the submitting party, and instructions on how the document should be returned. It is not necessary for the party to provide a copy of the order.

Rule 7.72. Courtroom conduct and attire. Proceedings in court should be conducted with dignity and decorum. All persons appearing in open court must be properly attired as befits the dignity of the court.

Rule 8.01. Definitions of words and terms. The definitions in Nevada Electronic Filing and Conversion Rules (NEFCR) apply to this Part VIII of the EDCR.

DRAFTER'S NOTE—2019 AMENDMENT

EDCR Part VIII as it previously existed has been largely adopted and replaced by NEFCR.

Rule 8.02. Mandatory use of the EFS.

(a) The Eighth Judicial District Court employs a case management system, an EFS, and a conversion system pursuant to NEFCR. Use of the EFS is mandatory for all registered users pursuant to NEFCR 4(b).

(b) When it is not feasible for a party to convert a document to electronic form by scanning, imaging, or other means, a court may allow a party to file the document in paper form.

(c) The clerk shall maintain a public access terminal as required by NEFCR 2(m).

Rule 8.03. Procedures regarding nonconforming documents. A document that does not comply with EDCR 7.20; has been filed in the wrong case; is an unsigned order; is unsigned by the filer; contains multiple documents bundled together and filed as one document commencing a civil

action; is a document filed to commence an action that is not a complaint, petition, application, or other document that initiates a civil action; or is a document filed to commence an action that does not have the proper case type designation or cover sheet as required by NRS 3.275 is a "nonconforming document" pursuant to NEFCR 8(b)(2).

(a) If a filer does not cure a nonconformity after notice from the clerk and an opportunity to cure within 7 days, the clerk may strike the nonconforming document. Within 7 days of a nonconforming document being stricken by the clerk, the filer may move the court upon a showing of good cause to permit the filing of the nonconforming document.

(b) The clerk shall strike any document filed to commence an action that is not a complaint, petition, application, or other document that initiates a civil action. The clerk shall close the case as filed in error and return any filing fee. The clerk shall notify the filer and all registered users receiving service under NEFCR 9(b).

(c) On motion or on its own order to show cause, the court may strike any nonconforming document.

(d) The clerk shall not file any unsigned order. The clerk shall furnish the order to the appropriate department and shall notify the filer and all registered users receiving service under NEFCR 9(b). After forwarding the submitted order, the clerk shall remove and/or reject unsigned orders from the electronic filing queue.

(e) For any other nonconforming document, if the filer is a self-represented litigant, the clerk shall cure the nonconforming document, replace it with the conforming document where appropriate, and notify the filer and the registered users receiving service under NEFCR 9(b). If the filer is an

attorney who filed the nonconforming document, the clerk shall provide notice and an opportunity to cure pursuant to NEFCR 8(b)(2)(A).

Rule 8.04. Services provided by the EFS.

(a) When a document is filed through the EFS, the provider must promptly confirm the receipt of the filing by email to the filer or provide a link for the filer to access the confirmation. The confirmation will include the following:

(1) Case number and case caption;

(2) Date and time the service provider received the filing (time at the clerk's office);

(3) Document title;

(4) Document code;

(5) Service provider document identifier;

(6) Who filed the document; and

(7) The page count as provided by the filer.

(b) The EFS will add the image of the clerk's file stamp in the appropriate place on the electronic document.

(c) The service provider will send an email to all addresses listed in the service list for that particular case. This email will contain the following information:

(1) Case number and case caption;

(2) Date and time the service provider received the filing;

(3) Document title;

(4) Document code;

(5) Service provider document identifier;

(6) Who filed the document;

(7) Page count as provided by the filer;

(8) A resource locator that provides access to the filed document; and

(9) A list of all email addresses served as of the date and time of the filing.

Rule 8.09. Conventional filing of documents.

(a) Notwithstanding the foregoing, the following types of documents may be filed conventionally and need not be filed electronically, unless expressly required by the court.

(1) Documents filed under seal. A motion to file a document under seal shall be filed and served through the EFS. However, the documents to be filed under seal shall be filed in paper form.

(2) Exhibits and real objects. Exhibits to declarations that are real objects (i.e., construction materials, core samples, etc.) or other documents (i.e., plans, manuals, etc.), which otherwise may not be comprehensibly viewed in an electronic format, may be filed and served conventionally in paper form.

(3) Documents filed in open court. When it is not feasible for a party to convert a paper document to an electronic form prior to filing, a judge may allow a party to file the document in paper form in open court. The clerk shall then use the conversion system to file and serve the document through the EFS.

Rule 8.10. Technical problems that preclude electronic filing.

(a) Both the court and the service provider must take reasonable steps to provide notice to electronic filers of any problems that impede or preclude electronic filing.

(b) When technical problems with the EFS preclude the court from accepting electronic filings on a particular court day, the court must deem a filing received on the day when the filer can satisfactorily demonstrate that he or she attempted to file on that day.

Rule 8.16. Court fees.

(a) Any document requiring payment of a filing fee to the clerk may be filed electronically in the same manner as any other electronic document.

(b) If a filing fee is required, the filer shall immediately send to the clerk a photocopy of the face sheet of the filing indicating thereon the filing ID#, plus a check for filing fee(s) in the proper amount in accordance with the current Clark County District Court Schedule of Fees. The clerk may also permit the filer to use a credit card or debit card for the payment of the filing fee.

(c) Statutory filing fees must be tendered to the clerk immediately following an electronic filing and must in any event be postmarked no later than the next business day following the electronic filing.

(d) If a filing fee is due on any ex parte application, it must be received by the clerk no later than 24 hours following the filing.

(e) Subject to any waiver pursuant to NEFCR 10(c), if without just cause or because of failure to give reasonable attention to the matter, a filer does not pay the required filing fees, the court may order any one or more of the following:

(1) Payment by the delinquent attorney or self-represented litigant of costs, in such amount as the court may fix, to the clerk or to the adverse party;

(2) Payment by the delinquent attorney or self-represented litigant of the reasonable expenses, including attorney fees, to any aggrieved party;

(3) Dismissal of the complaint, cross-claim, counterclaim, or motion or the striking of the answer and entry of judgment by default, or the granting or denial of the motion; or

(4) Any other action the court deems appropriate, including, without limitation, imposition of fines.