

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF JUVENILE
DEPENDENCY DIVISION JUDGES
AND JUVENILE HEARING MASTERS
AND ASSIGNMENTS OF MATTERS TO
SPECIALTY DOCKETS AND
CONSOLIDATED AND COORDINATED
CASES AND NOTICE OF RELATED
CASES.

ADKT 0494

FILED

FEB 10 2015

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY *Angela*
CHIEF DEPUTY CLERK

***ORDER AMENDING EIGHTH DISTRICT COURT RULES 2.49, 2.50,
AND ADOPTING EIGHTH DISTRICT COURT RULE 4.41***

WHEREAS, on February 21, 2014, the judges of the Eighth Judicial District Court filed a petition seeking amendments to the Eighth Judicial District Court Rules; and

WHEREAS, this court solicited comment from the bench, bar, and public, and conducted a public hearing on this matter on January 8, 2015; and

WHEREAS, this court has been informed by the judges of the Eighth Judicial District Court that they wish to withdraw the portion of the petition relating to Eighth District Court Rules 1.45 and 1.46; and

WHEREAS, this court has determined that proposed amendments to EDCR 2.49, 2.50, and proposed adoption of EDCR 4.41 are warranted; accordingly,

IT IS HEREBY ORDERED that EDCR 2.49 and EDCR 2.50 are amended and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that EDCR 4.41 is hereby adopted and shall read as set forth in Exhibit B.

IT IS FURTHER ORDERED that these rules shall be effective 30 days from the date of this order. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rules.

Dated this 10th day of February, 2015.

Hardesty, C.J.
Hardesty

Parraguirre, J.
Parraguirre

Cherry, J.
Cherry

Gibbons, J.
Gibbons

Douglas, J.
Douglas

Saitta, J.
Saitta

Pickering, J.
Pickering

cc: All Judges of the Eighth Judicial District Court
Eighth Judicial District Court Clerk
Administrative Office of the Courts

EXHIBIT A

AMENDMENT TO RULES 2.49 AND 2.50 OF THE RULES OF PRACTICE FOR THE EIGHTH JUDICIAL DISTRICT COURT

Rule 2.49. Assignment of matters to specialty dockets.

(a) "Specialty dockets" shall include:

(1) Matters in which the primary claims or issues are based on, or will require decision under NRS 40.600 et seq.;

(2) "Business matters" as defined under EDCR 1.61; and

(3) Any other specialty dockets that may be established by the chief judge to handle complex matters.

(b) Assignment of specialty dockets.

(1) Unless otherwise provided in these rules, specialty dockets shall be divided among those civil judges designated by the chief judge to hear the particular specialty docket.

(2) Any party in a case may file a request in the pleadings or noticed motion that a case be assigned to a specialty docket. A request may be made by a plaintiff or petitioner in the caption of the initial complaint or petition by identifying the category that provides the basis for assignment to a specialty docket. If the request is made in the caption of the initial complaint or petition, the matter will be automatically assigned to a specialty docket by the clerk's office. If the request is made by a party in the caption of its initial appearance or response, other than by the plaintiff/petitioner, then the case shall be randomly assigned to those civil judges designated by the chief judge to hear the particular specialty docket for determination as to whether the case should be handled on the specialty docket.

(3) A civil judge to whom a matter is assigned may refer the matter to a specialty docket for determination as to whether the matter should be handled on the specialty docket. Upon referral, the case shall be randomly assigned to those civil judges designated by the chief judge to hear the particular specialty docket for determination as to whether the case should be handled on the specialty docket.

(4) The assigned judge shall decide whether a case should be handled on the specialty docket, and that decision shall not be appealable nor reviewable by way of writ. Any matter not deemed appropriate to be handled on the specialty docket shall be randomly reassigned if it was originally assigned to the specialty docket. If a case was submitted to the assigned judge to determine whether it should be handled on the specialty docket and the assigned judge rules that it is not, that case will be remanded to the department of origin.

(c) Notice of related cases.

(1) In any business or complex matter, any party, or counsel for any party, who is on notice that such action is related to another action on file (including any active or inactive civil, criminal, domestic, probate, guardianship, or bankruptcy action filed in any state or federal court) shall, within 20 days of first appearing, or obtaining notice of the other action(s), file and serve in each action currently pending in the Eighth Judicial District a notice of related cases. This notice shall set forth the title, case number, and court in which the possibly related action is or was filed, together with a brief statement of the relationship between the actions.

(2) An action may be considered to be related to another action when:

(i) Both actions involve the same party or parties and are based on the same or similar claim; and/or

(ii) Both actions involve the same property, transaction, or event.

Rule 2.50. Consolidated and coordinated cases.

(a) Consolidated cases.

(1) Motions for consolidation of two or more cases must be heard by the judge assigned to the case first commenced. Such a motion would be prematurely brought if done in advance of the filing of an answer. If consolidation is granted, the consolidated case will be heard before the judge ordering consolidation.

(2) Documents filed subsequent to the consolidation shall list only the caption and case number of the lowest-numbered case.

(3) Each document will include on the certificate of service the following additional information: "This document applies to Case No. _____" and will list all applicable case numbers and parties.

(4) The clerk shall file documents only in the lowest case number so listed.

(b) Coordinated cases.

(1) Motions for the handling of two or more cases in a coordinated fashion or for consolidation for less than all purposes must be heard by the judge assigned to the case first commenced. If coordination is granted, the coordinated case will be heard before the judge ordering coordination.

(2) Documents filed subsequent to the coordination shall list all case numbers and captions, with the lowest number appearing first, and the clerk shall be provided sufficient copies for each case number so listed.

(c) Regardless of any other provision in these rules, the chief judge shall have the authority to order the consolidation or coordination of any cases pending in the district.

EXHIBIT B

ADOPTION OF NEW RULE 4.41 OF THE RULES OF PRACTICE FOR THE EIGHTH JUDICIAL DISTRICT COURT

Rule 4.41. Notice of Related Cases.

(a) In any probate action any party, or counsel for any party, who is on notice that an action on file or about to be filed is related to another action on file (including any active or inactive civil, criminal, domestic, probate, or bankruptcy action filed in any state or federal court) shall, within 20 days of first appearing, or obtaining notice of the other action(s), file and serve in each action currently pending in the Eighth Judicial District a notice of related cases. This notice shall set forth the title, case, number, and court in which the possibly related action is or was filed, together with a brief statement of the relationship between the actions.

(b) An action may be considered to be related to another action when:

(1) Both actions involve the same party or parties and are based on the same or similar claim; and/or

(2) Both actions involve the same property, transaction, or event.