

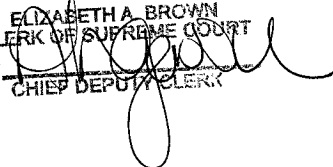
IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
AMENDMENT OF THE NEVADA
RULES OF APPELLATE PROCEDURE

ADKT 501

FILED

AUG 24 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

PETITION

COMES NOW the Honorable James W. Hardesty and the Honorable Lidia S. Stiglich, Associate Justices of the Nevada Supreme Court, and petition the Nevada Supreme Court on its administrative docket to amend the Nevada Rules of Appellate Procedure (NRAP) 3A regarding standing to appeal and appealable determinations in civil actions and to add NRAP 3F regarding summary proceedings in certain civil appeals.

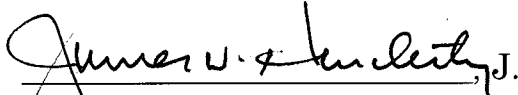
In support of the petition, petitioners assert that the amendment to NRAP 3A and the addition of NRAP 3F will expedite appeals of dismissals under NRCP 12(b)(2) or NRCP 12(b)(5), and summary judgments under NRCP 56 that are final or certified as final. The amendments would allow these matters to be considered by the appellate court on the trial record, as provided in an appendix, without the need for additional briefing or argument.

Accordingly, petitioners request that the Nevada Supreme Court place this matter on its administrative docket, hold such hearings as

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it deems necessary, and consider the proposed amendment to NRAP 3A and addition of NRAP 3F as set forth in Exhibit A.

Respectfully submitted,


James W. Hardesty, J.
James W. Hardesty

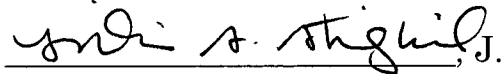

Lidia S. Stiglich, J.
Lidia S. Stiglich

EXHIBIT A

RULE 3A. CIVIL ACTIONS: STANDING TO APPEAL; APPEALABLE DETERMINATIONS

* * *

(b) Appealable Determinations. An appeal may be taken from the following judgments and orders of a district court in a civil action:

* * *

(6) An order changing or refusing to change the place of trial only when a notice of appeal from the order is filed within 30 days.

~~[(A)]~~ Such an order may only be reviewed upon a timely direct appeal from the order and may not be reviewed on appeal from the judgment in the action or proceeding or otherwise. On motion of any party, the court granting or refusing to grant a motion to change the place of trial of an action or proceeding shall enter an order staying the trial of the action or proceeding until the time to appeal from the order granting or refusing to grant the motion to change the place of trial has expired or, if an appeal has been taken, until the appeal has been resolved.

~~[(B) Whenever an appeal is taken from such an order, the clerk of the district court shall forthwith certify and transmit to the clerk of the Supreme Court, as the record on appeal, the original papers on which the motion was heard in the district court and, if the appellant or respondent demands it, a transcript of any proceedings had in the district court. The district court shall require its court reporter to expedite the preparation of the transcript in preference to any other request for a transcript in a civil matter. When the appeal~~

~~is docketed in the court, it stands submitted without further briefs or oral argument unless the court otherwise orders.]~~

* * *

RULE 3F. SUMMARY PROCEEDINGS IN CERTAIN CIVIL APPEALS

(a) Appeal From an Order Changing or Refusing to Change the Place of Trial.

(1) The Record on Appeal. When an appeal is taken from an order changing or refusing to change the place of trial in a civil proceeding, the district court clerk shall forthwith certify and transmit to the clerk of the Supreme Court, as the record on appeal, the original papers on which the motion was heard in the district court and, if the appellant or respondent demands it, a transcript of any proceedings had in the district court. The district court shall require its court reporter to expedite the preparation of the transcript in preference to any other request for a transcript in a civil matter.

(2) Submission. When the appeal is docketed in the Supreme Court, it stands submitted without briefs or oral argument unless the court otherwise orders.

(b) Appeal From a Final Judgment Granting a Motion under NRCP 12(b)(2), 12(b)(5), or 56.

(1) The Record on Appeal. When an appeal is taken from a final judgment granting a motion to dismiss based on NRCP 12(b)(2) or (b)(5) or granting a motion for summary judgment under NRCP 56, the parties shall confer and attempt to reach an agreement concerning a possible joint appendix. In the absence of an agreement, the appellant shall file an appendix

and the respondent may file a respondent's appendix. Any joint appendix or appellant's appendix shall include the portions of the trial record and the transcripts that are necessary to the appellate court's review. A joint or appellant's appendix shall be filed within 60 days from the date that the appeal is docketed with the Supreme Court. If a joint appendix is not prepared, a respondent's appendix, if any, may be filed within 20 days after service of the appellant's appendix. In filing the appendix, the parties shall comply with Rule 30(c), (d), (f), and (h). The court may impose sanctions for nonconforming copies or for substantial underinclusion as provided in Rule 30(g).

(2) Consequences of Failure to File Appendix. If no joint or appellant's appendix is filed within the time provided by this Rule, or within the time extended by the court, a respondent may move for dismissal of the appeal or the court may dismiss the appeal on its own motion.

(3) Submission. When the appendices are filed, the appeal shall be submitted for decision based on the record without briefs or oral argument unless the court otherwise orders.