

IN THE SUPREME COURT OF THE STATE OF NEVADA

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

ADKT 0501

FILED

OCT 10 2018

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT

BY: *[Signature]*  
CHIEF DEPUTY CLERK

*ORDER SCHEDULING PUBLIC HEARING  
AND REQUESTING PUBLIC COMMENT*

On August 24, 2018, the Honorable James W. Hardesty and the Honorable Lidia S. Stiglich filed a petition to amend the Nevada Rules of Appellate Procedure (NRAP) 3A regarding standing to appeal and appealable determinations in civil actions and to adopt NRAP 3F regarding summary proceedings in certain civil appeals. The proposed amendments are attached as Exhibit A.

The Nevada Supreme Court will conduct a public hearing on the petition on Monday, November 5, 2018, at 3:00 p.m. in the Nevada Supreme Court Courtroom, 201 South Carson Street, Carson City, Nevada. The hearing will be videoconferenced to the Nevada Supreme Court Courtroom, 408 East Clark Avenue, Las Vegas, Nevada.

Further, this court invites written comment from the bench, bar, and public regarding the proposed amendments. Comments may be submitted electronically or in hard-copy format to: Elizabeth A. Brown, Clerk of the Supreme Court, 201 South Carson Street, Carson City, Nevada 89701 by 5:00 p.m., October 24, 2018. Persons interested in participating in the hearing must notify the Clerk no later than October 24, 2018.

**Hearing date:** November 5, 2018, at 3:00 p.m.  
Supreme Court Courtroom  
201 South Carson Street  
Carson City, Nevada 89701

**Comment deadline:** October 24, 2018, at 5:00 p.m.  
Supreme Court Clerk's Office  
201 South Carson Street  
Carson City, Nevada 89701

DATED this 10<sup>th</sup> day of October, 2018.

*Drysdale*, C.J.

cc: All District Court Judges  
Clark County Bar Association  
Washoe County Bar Association  
First Judicial District Bar Association  
Richard Pocker, President, State Bar of Nevada  
Kimberly Farmer, Executive Director, State Bar of Nevada  
Administrative Office of the Courts

## EXHIBIT A

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

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(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.]~~

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**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.