

IN THE SUPREME COURT OF THE STATE OF NEVADA

2019 OCT 22 AM 11:41

IN THE MATTER OF PROPOSED
AMENDMENTS TO THE RULES OF
PRACTICE FOR THE EIGHTH JUDICIAL
DISTRICT COURT

ADKT No. 0545

FILED

OCT 24 2019

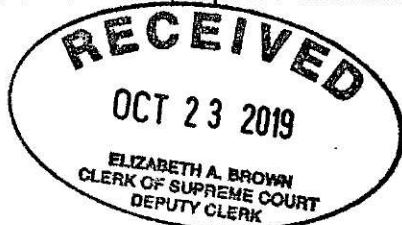
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

AMENDMENT TO PETITION

On July 12, 2019, the Honorable Joe Hardy, Chairperson of the Rules Committee of the Eighth Judicial District Court, filed a Petition to Amend the Rules of Practice for the Eighth Judicial District Court. The purpose of the Petition is to bring the local rules into conformity with the amended Nevada Rules of Civil Procedure, Nevada Rules of Appellate Procedure, and Nevada Electronic Filing and Conversion Rules. The Petition is currently pending before the Court.

Pursuant to Nevada Electronic Filing and Conversion Rule 8(b)(3), a court which establishes an electronic filing system should "adopt local rules, consistent with [the NEFCR] and the JCRCP or NRCPP, as applicable, defining what constitutes a nonconforming document. The local rules may also specify which nonconforming documents the clerk is authorized to strike." On October 2, 2019, the Honorable Linda Marie Bell, Chief Judge of the Eighth Judicial District Court, entered Administrative Order 19-05 which established a list of documents which are deemed nonconforming. Additionally, Administrative Order 19-05 established procedures for the handling of nonconforming documents which are submitted to the clerk through the electronic filing system.

This Amendment is being filed to incorporate the provisions of Administrative Order 19-05 into the Rules of Practice for the Eighth Judicial District Court. These provisions are included in the proposed amendments to Rule 8.03.



19-44048

1 Additionally, this Amendment includes a proposed change to Rule 2.20, to include a
2 provision for scheduling hearings before the Discovery Commissioner.
3


4 These proposed amendments were approved by the Rules Committee of the Eighth
5 Judicial District Court.

6 Based on the foregoing, it is respectfully requested that the Nevada Supreme Court
7 approve the proposed amendments to the Rules 2.20 and 8.03 of the Rules of Practice for the
8 Eighth Judicial District Court as set forth in Exhibit A.

9 Respectfully submitted this 22nd Day of October, 2019.

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12 _____
13 Linda Marie Bell, Chief Judge
14 Eighth Judicial District Court

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16 _____
17 Joe Hardy, District Court Judge
18 Chairperson of the Rules Committee of the
19 Eighth Judicial District Court
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EXHIBIT A

PROPOSED AMENDMENTS TO RULES 2.20 & 8.03

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

2 (a) Unless otherwise ordered by the court, papers submitted in support of pretrial and post-trial
3 briefs shall be limited to 30 pages, excluding exhibits. Where the court enters an order permitting
4 a longer brief or points and authorities, the papers shall include a table of contents and table of
5 authorities.

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

21 setting the same for hearing on a day when the district judge to whom the case is assigned is
22 hearing civil motions in the ordinary course. The notice of motion must include the time,
23 department, and location where the hearing will occur.]

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

28 (d) Within [5] 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 standalone
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 [10] 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 which contains a motion related to the same subject matter will be
considered as a counter-motion. A counter-motion 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.** [and no separate notice of motion is required.]

[(g) Whenever a motion is contested, a courtesy copy shall be delivered by the movant to the
appropriate department at least 5 judicial days prior to the date of the hearing, along with all
related briefing, affidavits, and exhibits.]

[(h)](g) A moving party may file a reply memorandum of points and authorities not later than
[5] 7 days before the matter is set for hearing **by the clerk, if a hearing was requested or set by**

1 **the court.** A reply memorandum must not be filed within [5] 7 days of the hearing or in open
2 court unless court approval is first obtained. **If a hearing has not been requested or set by the**
3 **court, any reply must be filed and served not later than 7 days after service of the**
4 **opposition.**

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

10 (i) A memorandum of points and authorities which consists of bare citations to statutes, rules, or
11 case authority does not comply with this rule and the court may decline to consider it.

12 Supplemental briefs will only be permitted if filed within the original time limitations of
13 paragraphs [(a)] (d), [(b)] (e), or [(d)] (g), or by order of the court.

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

18 [(k)] [(j)] If a petition, writ, application or motion has been fully briefed but is not calendared for
19 [argument] **hearing** [and/] or decision, the party seeking relief shall deliver to the chambers of
20 the assigned department a Notice of Readiness [and Request for Setting together with an Order
21 Setting] **for Decision.**

1 Rule 8.03. [Time of filing.] **Procedures regarding nonconforming documents.**

2 [(a) A document that is E-Filed shall be deemed to have been received by the Clerk of the Court
3 on the date and time of its transmittal. If the filing is subsequently accepted by the Clerk, then the
4 document shall have the same file stamped date and time as when it was transmitted.]

5 **A document that does not comply with EDCR 7.20, has been filed in the wrong case, is an
6 unsigned order, ~~or~~ is unsigned by the filer, contains multiple documents bundled together
7 and filed as one document commencing a civil action, is a document filed to commence an
8 action that is not a complaint, petition, application, or other document that initiates a civil
9 action, or is a document filed to commence an action that does not have the proper case
10 type designation or cover sheet as required by NRS 3.275 is a "nonconforming document"
11 pursuant to NEFCR 8(b)(2).**

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

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

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

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

26 **(e) For any other nonconforming document, if the filer is a self-represented litigant, the
27 clerk shall cure nonconforming document, replace it with the conforming document where
28 appropriate, and notify the filer and all 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).**