

FILED

SEP 16 2019

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

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN RE

AMENDMENT TO THE LOCAL RULES
OF THE

Docket No. ADKT0347

SEVENTH JUDICIAL DISTRICT COURT,
Counties of White Pine, Eureka and Lincoln,
State of Nevada.

PETITION TO AMEND LOCAL RULES

WHEREAS, on December 31, 2018, the Nevada Supreme Court entered an order Amending the Nevada Rules of Civil Procedure (NRCP), Nevada Rules of Appellate Procedure (NRAP), and the Nevada Electronic Filing and Conversion Rules (NEFCR); and

WHEREAS, said amendments became effective on March 1, 2019; and

WHEREAS, it is necessary to amend the local rules for the Seventh Judicial District to conform with the amendments adopted by the Nevada Supreme Court.

Therefore, the presiding judges hereby respectfully petition the Nevada Supreme Court to accept and enact the following amendments to the local rules for the Seventh Judicial District Court, to-wit:

Rule 3

Rule 3(1) currently provides as follows:

1. The law and motion calendar shall be called as follows:

White Pine County:

Each Monday at 9:30 a.m.

Eureka County:

The first and third Friday of each month
at 10:00 a.m.

Lincoln County:

The second and fourth Friday of each month
at 10:00 a.m.





1
2 And should be amended to provide:

3 1. The law and motion calendar shall be called as follows:

4 White Pine County: Each Monday at 9:15 a.m.

5 Eureka County: The first and third Friday of each month
at 10:00 a.m.

6 Lincoln County: The second and fourth Friday of each month
at 10:00 a.m.

7 **Rule 4**

8 Rule 4(3) currently provides as follows:

9 3. If a party is unable to obtain a stipulated calendar date for setting a civil trial,
10 by contacting all parties and the judicial administrator, the party may file a "Motion to Set
11 Trial" and have the matter heard on the Court's law and motion civil calendar. The party
12 shall provide written notice to all parties at least 10 days prior to the hearing date. The
13 motion shall contain the following paragraph:

14 "The undersigned has attempted to reach a stipulated trial
15 date in this matter with the other parties and the judicial
16 administrator and has been unable to do so. Therefore
17 notice is hereby given that the undersigned shall appear
18 before this Court on the law and motion calendar at
19 _____ p.m./a.m. on Monday, the _____ day of
20 _____, 20____, for the purposes of having this Court
21 set this matter for trial."

22 At a hearing on the motion, the Court will hear arguments concerning the setting of the
23 matter for trial, enter an appropriate order, and consider the assessment of attorney's fees
24 and costs against any party who failed to cooperate in calendaring a matter for trial without
25 a hearing or who unreasonably refused to set a timely date for trial.

26 And should be amended to provide:

3. If a party is unable to obtain a stipulated calendar date for setting a civil trial,
by contacting all parties and the judicial administrator, the party may file a "Motion to Set
Trial" and have the matter heard on the Court's law and motion civil calendar. The party
shall provide written notice to all parties at least 21 days prior to the hearing date. The
motion shall contain the following paragraph:

"The undersigned has attempted to reach a stipulated trial



1 date in this matter with the other parties and the judicial
2 administrator and has been unable to do so. Therefore
3 notice is hereby given that the undersigned shall appear
4 before this Court on the law and motion calendar at
5 _____ p.m./a.m. on _____, the _____ day of
6 _____, 20____, for the purposes of having this Court
7 set this matter for trial.”

8 At a hearing on the motion, the Court will hear arguments concerning the setting of the
9 matter for trial, enter an appropriate order, and consider the assessment of attorney's fees
10 and costs against any party who failed to cooperate in calendaring a matter for trial without
11 a hearing or who unreasonably refused to set a timely date for trial.

12 **Rule 5**

13 Rule 5 currently provides as follows:

14 5. In civil cases, the parties shall cause to be issued an Order Setting Trial Date
15 within 60 days following the filing of the first N.R.C.P. 16.1 Conference Report. The trial
16 date contained in the Order Setting Trial Date must be within 12 months from the filing date
17 of the last answer. If the parties fail to comply with this requirement, unless waived by the
18 Court, the Court may set the case for trial at its own discretion or dismiss the case without
19 prejudice.

20 And shall be amended to provide

21 5. In civil cases, the parties shall cause to be issued an Order Setting Trial Date
22 within 60 days following the filing of the first N.R.C.P. 16.1 Conference Report. If the parties
23 fail to comply with this requirement, unless waived by the Court, the Court may set the case
24 for trial at its own discretion or dismiss the case without prejudice.

25 **Rule 7**

26 Rule 7(6) currently provides as follows:

6. Within 10 days after service of the motion, the opposing party shall serve and
file a written opposition. Each opposition shall contain a brief statement describing the
extent to which the relief sought by the moving party is contested. Unless the entire relief
sought is contested, the opposing party shall particularly delineate which portions of the
relief sought in the motion are being contested. The opposition shall include, or shall be
filed simultaneously with the following: . . .

And shall be amended to provide



6. Within 14 days after service of the motion, the opposing party shall serve and file a written opposition. Each opposition shall contain a brief statement describing the extent to which the relief sought by the moving party is contested. Unless the entire relief sought is contested, the opposing party shall particularly delineate which portions of the relief sought in the motion are being contested. The opposition shall include, or shall be filed simultaneously with the following: . . .

Rule 9

Rule 9(2) provides as follows:

2. At least 5 days prior to a civil trial, each party shall file and serve on all other parties a trial statement which sets forth the following matter in the following order: . . .

And shall be amended to provide

2. At least 7 days prior to a civil trial, each party shall file and serve on all other parties a trial statement which sets forth the following matter in the following order: . . .

Respectfully submitted this 5th day of September, 2019.

STEVE L. DOBRESCU
District Court Judge, Dept. 1

GARY D. FAIRMAN
District Court Judge, Dept. 2