IN THE THIRD JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF LYON

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IN THE MATTER OF
The Third Judicial District Court's Response to Coronavirus Disease (COVID-19)

ADMINISTRATIVE ORDER: 20-01

Rule 1(D) of the Rules of Practice for the Third Judicial District Court of the State of Nevada charges the Court to make such an order in the interests of justice whenever it appears to the Court that a particular situation does not fall within any of the Court's rules, or that the literal application of a rule would create undue hardship or injustice in any case. This includes the responsibilities of supervising the administrative business of the district court, ensuring the quality and continuity of all court services, including the Justice Courts in Lyon County, supervising the court calendar, reassigning cases as convenience or necessity requires, assuring the court's duties are timely and orderly performed, and otherwise facilitating the business of this District Court and continuity of access to justice.

On March 12, 2020, Governor Steve Sisolak declared a state of emergency in Nevada in response to the recent outbreak of the Coronavirus (COVID-19). Given the severity of the risk posed to the public by COVID-19, and after consultation with the Nevada Supreme Court Chief Justice Kristina Pickering, the Dayton Township Justice Court, the Canal Township Justice Court, the Walker River Justice Court, and Lyon County, the Judges of this Court have determined that alterations to current standing court procedure are necessary on a

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short term basis for the protection of the community. The Courts in Lyon County intend to hold business as usual with some slight exceptions due to the potential risk of exposure.

During this time, the Courts will continue to accept filings and continue to operate managing cases within the parameters set forth in this order. The preferred method for filing will be by mail as there will be limited access to the Courthouses of the County as set forth below.

Effective March 17, 2020, all currently scheduled non-essential Court hearings/appearances will be conducted, upon request of any party or Counsel, by audio-visual or telephonic means; decided on the papers; or rescheduled unless otherwise directed by the Presiding Judge.

UNCONTESTED NON-ESSENTIAL MATTERS

Upon any written request of any party or Counsel (including by email, letter, or any other written instrument), the Clerk of the Court and the Court's Judicial Assistants and staff are authorized to grant the telephonic appearance without further order of the Court

CONTESTED NON-ESSENTIAL MATTERS

Bench trials, motion hearings, evidentiary hearings, and other contested non-essential matters, may, upon written request and at the discretion of the Presiding Judge, be conducted by audio-visual or telephonic means. The Court shall review the requests and to the extent possible confer with the parties and their Counsel regarding the procedure to be followed and/or whether the matter necessitates a continuance to a later date.

Settlement Conferences in family law matters shall be considered a contested non-essential matter.

UNLESS REQUESTED UNDER THIS ORDER, IN-PERSON APPEARANCES ARE STILL ALLOWED FOR NON-ESSENTIAL CASE TYPES

ESSENTIAL CASES

At this time, essential case types and hearings will continue to be heard through in-person appearances, although appearances by alternative means are encouraged when possible through written request to the Presiding Judge. The Court shall review the requests and to the extent possible confer with the parties and their Counsel regarding the procedure to be followed.

Essential case types and hearings include the following:

1. Criminal arraignments, criminal sentencings, bail motions, probation revocation hearings and evidentiary hearings;

2. Juvenile delinquency matters;

3. Civil commitment cases;

4. Guardianship matters except for compliance related hearings which include annual accountings. Given the vulnerability of the guardianship populations, all protected persons shall appear by alternative means unless otherwise excused by the Court;

5. Domestic temporary or extended protection orders, Stalking and Harassment temporary and extended protective orders, and Orders for the Protection of Children;

6. Abuse and neglect preliminary protective hearings, arraignments and adjudicatory hearings;

7. Civil temporary restraining orders and preliminary/permanent injunctive relief hearings;

8. In-Custody Specialty Court proceedings or other proceedings effecting the health and welfare of the public, including out-of-compliance proceedings; and,

9. Other than jury trials, case-by-case exceptions may be ordered at the discretion of the Presiding Judge.

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JURY TRIALS

All jury trials, civil and criminal, scheduled in District Court or in any Justice Court in Lyon County will be suspended/stayed for the next Forty-Five (45) days and will be rescheduled as the court calendar allows. No summoned prospective jurors are to appear.

AUTOMATIC STAY OF PROCEEDINGS IN CERTAIN MATTERS

This Order shall operate to stay trial in civil cases for purposes of NRCP 41(e). The time period of any continuance entered as a result of this Order shall be excluded for purposes of calculating speedy trial under NRS 178.556(1) and NRS 174.511 and for preliminary hearings under NRS 17.196 as necessary to meet the purposes of this Order. The Court finds that the ends of justice served by taking that action outweigh the interests of the parties and the public in a speedy trial/preliminary hearing.

Absent further Administrative Order of the Court or any individual judicial order from this Court, the period of exclusion shall be from March 17, 2020 through April 30, 2020. The Court may extend the period of exclusion as circumstances warrant.

JUSTICE COURTS

The Justice Courts in Lyon County shall prepare a list of those matters that are essential and non-essential in relation to their individual Courts together with any other individualized Order for the conduct of their particular court.

TEMPORARY EXCLUSIONS FROM THE COURTHOUSES OF LYON COUNTY

The Centers for Disease Control and Prevention (CDC) has advised people to take precautions and the best way to prevent illness is to avoid exposure. As a result, Court Administration is ordered to post a notice at the entrance of all court facilities advising the following people that they may not enter the court facility:

1. Persons who in the last fourteen (14) days have traveled to a country designated as a Level 3 travel health notice according to the CDC. Currently those countries include: China, Iran, South Korea, Austria, Austria, Belgium, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden, Switzerland, Monaco, San Marino, and Vatican City. The list is subject to change by the CDC.

2. Persons who reside or have close contact with someone who has traveled to any foreign country within the last fourteen (14) days;

3. Persons who have been asked to self-quarantine by any doctor, hospital, or health agency;

4. Persons who have been diagnosed with coronavirus (COVID-19) or who has had contact in the past fourteen (14) days with anyone who have been diagnosed with COVID-19; or

5. Persons with unexplained fever, cough, or shortness of breath.

Anyone attempting to enter in violation of these protocols will be denied entry by Courthouse security and/or staff.

Court Administration is also ordered to provide on all notices a customer service number to assist all persons unable to enter the court facility because of exposure or illness.

If a person is unable to appear in court because of the restrictions above, the person may call the respective department their case is in by calling 775-463-6571 extension 1 for Department I with the Honorable District Court Judge John P. Schlegelmilch, or 775-463-6571 extension 2 for Department II with the Honorable District Court Judge Leon Aberasturi, and/or the individual justice courts for assistance in rescheduling their court appearance, arranging for appearance by alternative means or to provide other information based on the circumstances of the appearance.

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This Order shall be reviewed no later than every thirty (30) days and shall continue until modified for rescinded by a subsequent order.

Entered this 17th day of March 2020.

LEON A. ABERASTURI
DISTRICT COURT JUDGE

JOHN P. SCHLEGELMILCH
DISTRICT COURT JUDGE

KRISTINA PICKERING
CHIEF JUSTICE