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CLERK OF DISTRICT COURT
ELY, NEVADA

IN THE JUSTICE COURT OF ELY TOWNSHIP NO. 1
COUNTY OF WHITE PINE, STATE OF NEVADA

IN THE ADMINISTRATIVE MATTER OF:
ELY JUSTICE COURT'S ADDITIONAL
RESPONSE TO CORONAVIRUS DISEASE
(COVID-19) – RE: EVICTIONS

**ORDER STAYING EVICTION
PROCEEDINGS**

In compliance with the order of the Nevada Supreme Court AO-0012, filed March 31, 2020, Ely Justice Court issues the following order:

WHEREAS, on March 12, 2020, Governor Steve Sisolak declared a state of emergency in Nevada in response to the recent outbreak of the Coronavirus Disease (COVID-19);

WHEREAS, on March 29, 2020, Governor Sisolak issued Emergency Directive 008 staying certain evictions and lockouts;

WHEREAS, the Ely Justice Court has the authority pursuant to NRS 4.157(c) to make administrative decisions pertaining to the business of the Court;

WHEREAS, the Chief Justice of the Nevada Supreme Court is the administrative head of the court system pursuant to Nev. Const. Art. 6, Sec. 19; and

WHEREAS, given the severity of the risk posed to the public by COVID-19, pursuant to the requirements of Emergency Directive 008, and after consultation with Nevada Supreme

1 Court, the following alterations to court procedures are deemed necessary for the protection of
2 the community.

3 AND GOOD CAUSE BEING SHOWN,

4 IT IS HEREBY ORDERED effective immediately, the Ely Justice Court shall stay the
5 consideration of all eviction and foreclosure matters with the exception of the emergency
6 applications and excluded matters described below.

7 **EVICTIION AND FORECLOSURE MATTERS THAT ARE STAYED**

8 The Court hereby stays consideration of the following matters:

- 9 1. NRS 40.250 Possession After Expiration of Term
- 10 2. NRS 40.251 No Cause Evictions
- 11 3. NRS 40.253 Evictions for Non-Payment of Rent
- 12 4. NRS 40.2516 Breach of Contract
- 13 5. NRS 40.254 Evictions for Other than Non-Payment of Rent Except Tied to an
14 Emergency Matter as Set Forth Below
- 15 6. NRS 40.255 Removal of Persons Holding Over
- 16 7. NRS 40.300 Writs of Restitution
- 17 8. NRS 118B 190 Mobile Home Notice of Termination
- 18 9. NRS 118C.200 Exclusion of Commercial Tenants

19 Staying consideration of these matters means that through the end of the stay, the Court
20 will not accept complaints for summary eviction or unlawful detainer, hold hearings, rule upon,
21 or issue dispositive orders or writs of restitution for the matters listed above. Consistent with
22 the Governor's Emergency Directive and the Supreme Court's stay of Rule 5(d) and (e) of the
23 Nevada Justice Court Rules of Civil Procedure, the Court will reject any complaints for
24 summary eviction or unlawful detainer that do not constitute an emergency stemming from
25 threats by a tenant or resident to public health, criminal activity, or significant damage to
property, as set forth below. The Court interprets Section 4 of Emergency Directive 008 to

1 require a stay or continuance of any non-emergency matters in progress but not completed as of
2 March 29, 2020.

3 Consistent with the Governor's Directive and Guidance, nothing in this Order shall
4 prevent a tenant who is able to pay all or some of the rent due from paying that rent in a timely
5 manner or relieve a tenant of liability for unpaid rent.

7 **EMERGENCY EVICTION MATTERS TO BE HEARD**

8 During the period of the stay, the Court shall only consider unlawful detainer cases,
9 including summary evictions, stemming from threats by a tenant or resident to the public
10 health, criminal activity, or significant damage to property as set forth in Sections 1 and 5 of
11 Emergency Directive 008. The Court will not consider an action to be a qualifying emergency
12 unless the complaint or other application sets forth specific facts establishing that it falls within
13 those sections of Emergency Directive 008. That an individual has tested positive for COVID-
14 19 or has potentially been exposed to the novel coronavirus that causes COVID-19 does not
15 serve as the basis for establishing that a tenant or a resident seriously endangers the safety of
16 others.

17 **TENANT MATTERS TO BE HEARD**

18 Tenants shall continue to be able to file complaints and motions concerning the status
19 and conditions of their tenancy. Those include but are not limited to:

- | | | |
|----|--|---|
| 20 | 1. NRS 118A.242 | Motion for Failure to Return Deposit |
| 21 | 2. NRS 118A.390 | Complaint for Expedited Relief for Illegal Lockouts |
| 22 | 3. NRS 118A.390 | Complaint for Failing to Provide Essential Services |
| 23 | 4. NRS 118A.310 & .520 | Motion Contesting Personal Property Lien |
| 24 | 5. NRS 118A.460(3) &
25 NRS 40.253(9) | Motion to Retrieve Essential Items |
| | 6. NRS 118C.210 | Commercial Tenant Complaint for Reentry |

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3 **OTHER MATTERS NOT INCLUDED IN STAY**

4 This Order does not otherwise limit or affect proceedings that are the consequence of a
5 tenant or occupant's criminal conduct causing their removal from the premises including:

- 6 1. NRS 40.412 Retaking of Possession Due to Housebreaking or
7 Unlawful Occupancy
8 2. NRS 40.414 Complaints for Forcible Entry or Forcible Detainer
9 3. NRS 40.416 Verified Complaint for Reentry
10 4. NRS 205.081-.082 Unlawful Entry or Occupancy of Vacant Dwelling

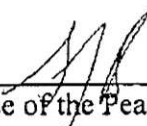
11 **COURTHOUSE ACCESS RESTRICTIONS AND FILINGS**

12 The COVID-19 pandemic has led this Court to limit access to the courthouse and
13 prohibit most in-person filings and appearances. Current information about the building
14 restrictions and how to file documents by mail, email, or electronically can be obtained by
15 visiting the Court's website: <https://www.whitepinecounty.net/282/Justice-Court> ; or by email:
16 wpcjusticecourt@whitepinecountynv.gov, or by calling: 775-293-6540.

17 This Order takes effect immediately. It replaces and extends any eviction and
18 foreclosure stay orders currently in effect. It shall continue until the March 12, 2020,
19 Declaration of Emergency terminates, expires, or Emergency Directive 008 is rescinded by
20 order of the Governor or modified or rescinded by a subsequent order, whichever occurs
21 earlier.

22 IT IS SO ORDERED.

23 Date: April 1, 2020

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Justice of the Peace
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