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IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE
AMENDMENT OF RULE 41(E)
OF THE NEVADA RULES OF
CIVIL PROCEDURE

ADKT 0560

FILED

JUN 22 2020

OBJECTION OF PAUL HEJMANOWSKI

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

I respectfully oppose the proposed changes to NRCP 41(e)(2)(B). The “five year rule” provides a clear brightline for the elimination of over-age cases. The proposed amendment would eliminate that clear standard and substitute a discretionary standard applicable from two years after the action was filed until the end of time as we know it. District courts in Clark County have particularly large individual caseloads. The existing rule 41(e) provides a dependable way of culling some of those cases. The amended rule will not do so but substitutes an amorphous standard that will vary from judge to judge (and maybe day-to-day).

Lingering lawsuits are not just an inconvenience to the court but they are also a detriment to defendants, many of whom have to report pending lawsuits to accountants, lenders and governmental agencies. Those reports can have a detrimental impact on things such as loans or licensing applications. The proposed amendment would extend that burden into the indefinite future. It is actually a reward to counsel who fail their duty of diligence. NRPC 1.3

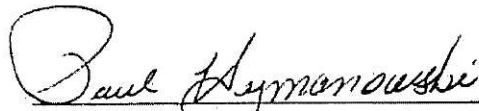
The proposed amendment to NRCP 41(e)(2)(B)(6) is likewise ill advised for the same reasons discussed above. It establishes a default position that rewards

1 counsel for failing to prosecute lawsuits timely. Furthermore, defendants who
2 have been obligated to respond to the first lawsuit will, under this new default
3 position, face the same burden all over again through no fault of their own.
4

5 These proposed amendments are not good public policy.

6 The present rule has served Nevada well for decades and should be retained
7 without the inappropriate proposed amendments.
8

9 Dated this 22nd day of June, 2020.

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