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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

JUL 08 2020

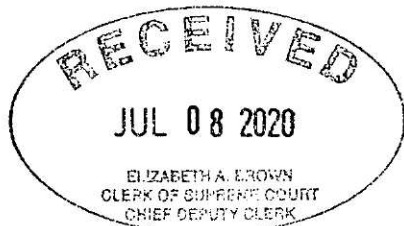
ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *[Signature]*
CHIEF DEPUTY CLERK

SUPPLEMENTAL COMMENTS OF PAUL HEJMANOWSKI

I respectfully offer these comments in response to the hearing conducted on June 29, 2020.

1. The paramount issue identified at the hearing was what to do with cases that were approaching the five-year rule (NRC 41(e)) when the Covid 19 crisis arose. It appears that the simplest solution might be to amend rule 41(e) in such a manner that days passing during the Covid 19 crisis will not be counted for calculating the years contemplated by Rule 41(e). Although there are several different ways such a rule could be drafted, I envision something like this:

In response to the Covid 19 crisis on March 12, 2020, Governor Steve Sisolak declared a state of emergency in Nevada. For the purposes of computing time applicable to NRC 41(e), days passing between March 11, 2020, and a date to be fixed by the Nevada Supreme Court shall not be counted in computing the time limits expressed in NRC 41(e). This temporary measure will remain in effect until the date set by the Nevada Supreme Court, which date will be 90 days after the Court deems the state of emergency pertinent to the Covid 19 crisis to

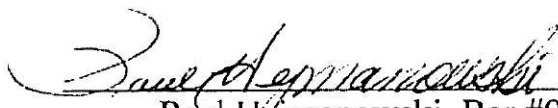


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be concluded.

2. The current situation brought to my attention that the Nevada Supreme Court rules make no provision for the exercise of emergency powers during a crisis. It is certainly foreseeable that there can be other emergencies in the future which may require sudden Court action, even if it is only of a temporary nature. An appropriate new rule would help avoid confusion about the Court's power to act and how that power could be exercised.

Dated this 8th day of July, 2020.



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