



NETTLES | MORRIS

NEVADA TRIAL LAWYERS

EXCLUSIVELY REPRESENTING INJURED VICTIMS AND THEIR FAMILIES.

July 7, 2020

Via U.S. Regular Mail; and
Email: nvsclerk@nvcourts.nv.gov

Elizabeth A. Brown
Clerk of the Supreme Court
201 South Carson St.
Carson City, NV 89701

Re: **NRCP 41(e) Repeal**

Dear Ms. Brown:

I write in support of the repeal of NRCP 41(e). Injured Plaintiffs in Nevada battle every day to get resolution to their cases. There is only one party that benefits from the delay of cases, the defense. Plaintiffs alongside plaintiffs' counsels spend years litigating their cases in an attempt to get Justice. They are met with resistance to early resolution, and face years of excuses from the defense as to why they can't produce a corporate defendant or need multiple expert extensions or can't go to trial because they have trials in other departments or other states. This allows the defense counsels more time to bill their cases and for defendants to hold onto the compensatory funds that are owed to the injured parties.

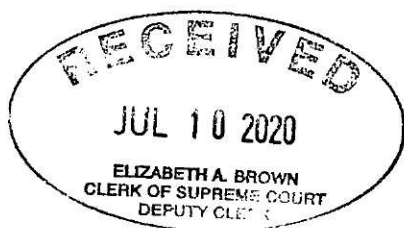
NRCP 41(e) fails to provide any relief to a plaintiff who has diligently tried to bring their case to trial and yet has been stymied at every chance by the defense. The rule places an unfair burden on the plaintiff and fails to provide room for an evaluation of which party has actually delayed the process. This rule actually encourages the defense to delay, because it gives them the benefit of a possible dismissal of the case against them.

Plaintiffs are the only party in the lawsuit who actually want the case to come to trial because that is the only way to get relief. Plaintiffs' counsels are the only attorneys in the lawsuit who want the case to come to trial because they have expended thousands in costs and are working on a contingency fee. There is no relief for anyone on the plaintiffs' side without a trial. Penalizing the plaintiffs for the delay of defendants results in a severe injustice.

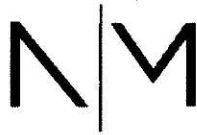
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ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY *Elizabeth A. Brown*
CHIEF DEPUTY CLERK



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Covid-19 has only exacerbated these delays. While Covid-19 is a real threat and is a legitimate reason for delay; it is being abused. Defendants on all cases are even refusing to produce their clients' for zoom depositions because they want to "prep them in person". Defendants are refusing to have hearings on major issues because they want to argue "in person". Defendants are claiming they can't get basic documents; even though almost all business related to these types of documents are open and functioning; although many are remote.

Rule 41(e) is not an effective tool to promote efficient and diligent prosecution of cases. It allows the dismissal of a case based on a technicality without looking at the real reason for the delay. I am fully in support of a repeal.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

NETTLES | MORRIS

A handwritten signature in black ink, appearing to read 'CMM'.

Christian M. Morris, Esq.

CMM/ja