

1 IN THE SUPREME COURT OF NEVADA :

2)
 3 IN THE MATTER OF THE)
 4)
 5 AMENDMENT OF THE NEVADA)
 6)
 7 JUSTICE COURT RULES)
 8)
 9 OF CIVIL PROCEDURE)

ADKT NO.: 607

FILED

OCT 12 2023

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

7 WHEREAS, the Nevada Supreme Court has previously approved a body of rules known
 8 as the Justice Court Rules of Civil Procedure; and

9 WHEREAS, the Nevada Judges of Limited Jurisdiction have determined that extensive
 10 amendments to the existing body of rules are necessary to align with the corresponding Nevada
 11 Rules of Civil Procedure (NRCP). Additional significant amendments to specific rules (though
 12 not an exhaustive list) are summarized as follows:

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| 13 Rule 1 | Moves existing general provisions content from Section XI, Rules 81 – 86 to this rule and allows for the creation of local rules. |
| 14 Rule 2 | Updates rule to include a fourth cause of action for civil traffic infractions. |
| 15 Rule 4 | A complete rewrite of this rule is necessary to update procedures for issuance and service of a Summons, to better organize the information within the Rule, and to align the rule with the corresponding NRCP. Adds Rules 4.1 – 4.4. |
| 16 Rule 5 | A complete rewrite of this rule is necessary to align with NRCP. |
| 17 Rule 6 | A complete rewrite of this rule is necessary to align with NRCP. |
| 18 Rule 7 | A complete rewrite of this rule is necessary to align with NRCP. |
| 19 Rule 8 | A complete rewrite of this rule is necessary to align with NRCP. |
| 20 Rule 9 | A complete rewrite of this rule is necessary to align with NRCP. |
| 21 Rule 10 | A complete rewrite of this rule is necessary to align with NRCP. |
| 22 Rule 11 | A complete rewrite of this rule is necessary to align with NRCP. |
| 23 Rule 12 | A complete rewrite of this rule is necessary to align with NRCP. |
| 24 Rule 13 | A complete rewrite of this rule is necessary to align with NRCP. |
| 25 Rule 14 | A complete rewrite of this rule is necessary to align with NRCP. |
| 26 Rule 15 | A complete rewrite of this rule is necessary to align with NRCP. |
| 27 Rule 16 | Updates and clarifies the procedures for Pre-trial Conferences. |
| 28 Rule 16.1 | Simplifies procedures and renames the Early Case Conference Report to an Initial Disclosures Report to clarify that the rule requires the exchange of documents, not a meeting between parties. Also updates and clarifies the rules and deadlines for disclosing expert testimony. |
| Rule 17 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 18 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 19 | A complete rewrite of this rule is necessary to align with NRCP. |

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| Rule 20 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 21 | Grammatical changes. |
| Rule 22 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 23 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 23.2 | Minor grammatical change. |
| Rule 24 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 25 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 25A | Grammatical changes. |
| Rule 26 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 27 | Deleted as unnecessary in a justice court action. |
| Rule 28 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 29 | Grammatical changes to align with NRCP. |
| Rule 30 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 31 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 32 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 33 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 34 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 35 | A complete rewrite of this rule is necessary to align with NRCP and new statutory provisions re: Rule 35 exams. |
| Rule 36 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 37 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 38 | Clarifies procedures for requesting a jury trial and makes grammatical changes. |
| Rule 39 | Moves information currently contained in Rule 109 as it pertains to an unlawful detainer civil action rather than a summary eviction (Rule 2 designates all rules commencing with Rule 101 are reserved for summary evictions). As such, existing Rule 109 is misplaced. |
| Rule 39A | Updates jury trial procedures, including increases the maximum allowable attorney's fees in a jury trial to \$5,000 and the maximum allowable expert fee to \$1,500 in a jury trial. |
| Rule 40 | Allows for local rules pertaining to the scheduling of jury trials. |
| Rule 41 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 42 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 43 | Makes minor grammatical changes. |
| Rule 44 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 45 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 46 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 47 | Changes the number of jurors to 4 and clarifies procedures for jury selection and alternate jurors. |
| Rule 48 | Removes the language regarding a 6 member jury. |
| Rule 49 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 50 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 51 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 52 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 53 | Deleted. The justice courts do not use special masters as the district court. Instead, where authorized, the justice courts employ hearing |

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| | masters whose authority is set forth in NRS 4.357 rendering this rule unnecessary. |
| Rule 54 | Makes grammatical changes. |
| Rule 55 | Makes grammatical changes. |
| Rule 56 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 58 | Updates and clarifies the process for entering a judgment. |
| Rule 59 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 60 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 61 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 62 | A complete rewrite of this rule is necessary to align with NRCP, and removes a provision that is not applicable in justice court. |
| Rule 62.1 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 63 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 64 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 65 | Moves information currently contained in Rule 107 as it pertains to an unlawful detainer civil action rather than a summary eviction (Rule 2 designates all rules commencing with Rule 101 are reserved for summary evictions). As such, existing Rule 107 is misplaced. This rule relates to a provisional remedy of a temporary writ of restitution and is more appropriately placed in Section VIII. Existing rule was reserved. |
| Rule 65.1 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 67 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 68 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 69 | Grammatical changes. |
| Rule 70 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 71 | Grammatical changes. |
| Rule 72 | A complete rewrite of this rule is necessary to clarify procedures and align with NRCP. Adds procedures for transmittal of the justice court record to the district court. |
| Rule 72A | A complete rewrite of this rule is necessary to clarify procedures and align with NRCP. |
| Rule 72B | A complete rewrite of this rule is necessary to clarify procedures and align with NRCP. Authorizes the justice courts to dismiss a premature Notice of Appeal. |
| Rule 73 | A complete rewrite of this rule is necessary to clarify procedures and align with NRCP. Clarifies that the district court must determine the costs incurred on appeal. |
| Rule 73A | A complete rewrite of this rule is necessary to clarify procedures. It is more appropriate to include subsection (a)(2) in the NRCP rather than here as it pertains to requirements for a motion filed in the district court. |
| Rule 73B | Deleted. The appellate procedures in this rule are more appropriate in the NRCP as they pertain to the district court. |
| Rule 74 | Deleted. The appellate procedures in this rule are more appropriate in the NRCP as they pertain to the district court. |

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| Rule 74A | Deleted. The appellate procedures in this rule are more appropriate in the NRCP as they pertain to the district court. Portions of the rule pertaining to the transmittal of the justice court record have been incorporated into Rule 72. |
| Rule 74B | Deleted. The appellate procedures in this rule are more appropriate in the NRCP as they pertain to the district court. |
| Rule 75 | Deleted. The appellate procedures in this rule are more appropriate in the NRCP as they pertain to the district court. |
| Rule 75A | Deleted. The appellate procedures in this rule are more appropriate in the NRCP as they pertain to the district court. |
| Rule 76 | Deleted. The appellate procedures in this rule are more appropriate in the NRCP as they pertain to the district court. |
| Rule 76A | Deleted. The appellate procedures in this rule are more appropriate in the NRCP as they pertain to the district court. |
| Rule 76B | Deleted. The appellate procedures in this rule are more appropriate in the NRCP as they pertain to the district court. |
| Rule 77 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 78 | A complete rewrite of this rule is necessary to align with NRCP. |
| Rule 79 | Allows for the creation of an Appendix of Forms. |
| Rule 80 | Deleted portions that are redundant or contradictory to NRS 4.390-4.420. Also, updated provisions to relate to audio and/or video recording. |
| Rule 81 | Moved to Rule 1. Creates a new rule relating to civil traffic infractions allowing for a statewide civil penalty schedule. |
| Rule 82 | Moved to Rule 1. Creates a new rule relating to discovery in a civil traffic infraction case. |
| Rule 83 | Moved to rule 1. Creates a new rule relating to the issuance of subpoenas for a contested hearing on a civil traffic infraction. |
| Rule 84 | Removes the requirement to hold elections during a specific timeframe and allows local courts to establish their own rules regarding successive terms. Creates a new rule related to motions in civil traffic infraction cases. |
| Rule 85 | Moved to rule 1. Reserved for future rule related to civil traffic infractions. |
| Rule 86 | Moved to rule 1. Reserved for future rule related to civil traffic infractions. |
| Rule 88 | Clarifies procedures when a small claims counterclaim raises claims outside of the small claims jurisdiction. |
| Rule 89 | Removes the form in favor of a clarifying rule. |
| Rule 90 | Deleted to remove language that the clerk or justice would complete the affidavit on behalf of a plaintiff. |
| Rule 91 | Clarifies methods of service authorized. |
| Rule 92 | Moves the content of the rule to Rule 90. Creates a new rule related to motion practice in small claims cases. |
| Rule 93 | Makes grammatical changes. |
| Rule 94 | Makes grammatical changes. |
| Rule 95 | Makes grammatical changes. |

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| 1 | Rule 96 | Clarifies that formal discovery as conducted in a civil action is not authorized for a small claims case. |
| 2 | Rule 97 | Makes grammatical changes. |
| 3 | Rule 98 | Deletes unnecessary language to align with other rule amendments. Removes the formality of a civil action appeal from an appeal from a small claims case and simplifies the process. |
| 4 | | |
| 5 | Rule 99 | Deletes the form in favor of a clear statement of the required contents of a Notice of Appeal. |
| 6 | Rule 100 | Clarifies the amount of the appeal bond and purpose of the appeal bond. |
| 7 | Rule 101 | Adds the statute for summary eviction from commercial property. |
| 8 | Rule 102 | Makes grammatical changes. |
| 9 | Rule 103 | Makes grammatical changes. |
| 10 | Rule 104 | Allows for local rules regarding the procedure for summary evictions. |
| 11 | Rule 105 | Clarifies that summary evictions are informal. |
| 12 | Rule 107 | Deleted and moved to Rule 65. |
| 13 | Rule 108 | Deleted and moved to Rule 4(a)(3) as it relates to a summons in an unlawful detainer civil action and is misplaced. Rule 2 specifies that rules beginning with Rule 101 apply only to summary eviction actions. |
| 14 | Rule 109 | Deleted and moved to Rule 39 as it relates to a trial setting for an unlawful detainer civil action and is misplaced. Rule 2 specifies that rules beginning with Rule 101 apply only to summary eviction actions. |
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| 16 | Rule 110 | Clarifies actions based on the timing of a motion to stay the execution of an eviction order. |
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18 **WHEREAS**, Rule 83 of the Justice Court Rules of Civil Procedure provides that copies
19 of any proposed rule changes “shall upon their promulgation be furnished to the Supreme Court.
20 but shall not become effective until after approval by the Supreme Court and publication.”

21 **WHEREAS**, amendments to the JCRCP were requested through ADKT 0607 on January
22 24, 2023; and

23 **WHEREAS**, the Supreme Court approved amendments to the JCRCP on May 12, 2023
24 through ADKT 0607, with an order that the amendments would take effect on August 10, 2023;
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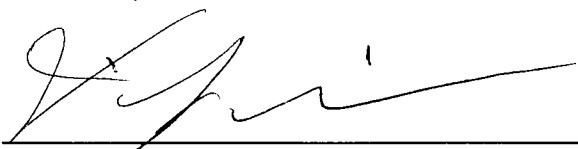
WHEREAS, through ADKT 0607, the Nevada Judges of Limited Jurisdiction requested that the implementation of the amendments be postponed until additional amendments could be submitted for approval; and

WHEREAS, the Supreme Court postponed implementation of the amendments for 90 days, until October 11, 2023, through ADKT 0607;

THEREFORE, the Nevada Judges of Limited Jurisdiction do hereby formally petition the Nevada Supreme Court for the amendments to the Justice Court Rules of Civil Procedure as shown in the Exhibit to this petition attached hereto; and

THEREFORE, the Nevada Judges of Limited Jurisdiction do hereby formally petition the Nevada Supreme Court to stay implementation of the amendments to the JCRCF until such time as the additional amendments can be reviewed and approved.

Dated this 9th **day of October, 2023.**



JUDGE VICTOR LEE MILLER
President, Nevada Judges of Limited Jurisdiction

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EXHIBIT 1
(Redlined Proposed Amendments)

Note:

~~Red Strikethrough~~ indicates prior deletions accepted by the Supreme Court on May 12, 2023.

Blue Bold Italics indicates additions accepted by the Supreme Court on May 12, 2023.

~~Purple Double Strikethrough~~ indicates additional deletions requested in these amendments.

Green Bold Underlined Italics indicates additional insertions requested in these amendments.

I. GENERAL PROVISIONS

INTRODUCTION

The following are the Justice Court Rules of Civil Procedure. In each case where ~~there is no corresponding rule in the Nevada Rules of Civil Procedure (NRC) or there is no rule, the rule number will be followed by the notation "reserved."~~ ~~Any reference to the Nevada Rules of Appellate Procedure will be by abbreviation as "NRAP."~~

Rule 1. Scope and Application of Rules

(a) These rules may be known and cited as the Justice Court Rules of Civil Procedure, or abbreviated JCRCP.

*(b) These rules govern the procedure in the justice courts in all suits of a civil nature, ~~with the exceptions stated in Rule 81.~~ They ~~shall~~ **must** be construed and administered to secure the just, speedy, and inexpensive determination of every action. Whenever it is made to appear to the court that a particular situation does not fall within any of these rules or that the literal application of a rule would work hardship or injustice in a particular situation, the court ~~shall~~ **must** make such order as the interests of justice require.*

(c) These rules must not be construed to extend or limit the jurisdiction of the justice courts or the venue of actions therein.

(d) To the extent that any rule herein is in conflict with ~~statutory guidance~~ a statute, the statute must control.

(e) Each justice court ~~in a township with more than one justice~~ may adopt the Rural Justice Courts Rules or may promulgate local rules of practice in any manner not inconsistent with these rules.

(f) Rules 1 and 3 through 87 also apply to civil proceedings in municipal courts to the extent practicable.

Rule 2. Forms of Actions

There ~~shall be three~~ are four forms of action in justice courts to be known as "civil actions," "traffic civil infractions," "small claims actions" and "summary eviction actions." Rules 3 through ~~80~~ 77 govern civil actions. Rules 81 through 87 govern traffic civil infractions. Rules 88 through 100 govern small claims actions. Rules 101 through 111 govern summary eviction actions. Rules 77 through 80 govern all actions filed in justice courts. ~~Rules governing traffic civil infractions begin with Rule 81 and end with Rule 87. Rules governing small claims actions begin with Rule 88 and end with Rule 100. Rules governing summary evictions commence with Rule 101.~~

II. COMMENCEMENT OF CIVIL ACTION; SERVICE OF PROCESS, PLEADINGS, MOTIONS AND ORDERS

Rule 3. Commencement of Civil Action

A civil action is commenced by filing a complaint with the court. Upon filing such a complaint, the filing party ~~shall~~ **must** complete a civil cover sheet provided by the justice court, and approved by the state court administrator, that obtains certain information regarding the nature of the action being filed. This cover sheet ~~shall~~ **must** be signed by the initiating party, or his or her representative, and the filing may be denied if unaccompanied by such a cover sheet.

~~RULE 4. PROCESS~~

~~—(a) Summons: Issuance.— Upon the filing of the complaint, the clerk shall forthwith issue a summons and deliver it to the plaintiff or to the plaintiff's attorney, who shall be responsible for service of the summons and a copy of the complaint. Upon request of the plaintiff, separate or additional summons shall issue against any defendants.~~

~~—(b) Same: Form.— The summons shall be signed by the justice or clerk, be under the seal of the court, contain the name of the court and township and county and the names of the parties, be directed to the defendant, state the name and address of the plaintiff's attorney, if any, otherwise the plaintiff's address, and the time within which the defendant must appear and defend, and shall notify the defendant that failure to do so will result in a judgment by default against the defendant for the relief demanded in the complaint. When service of the summons is made by publication, the summons shall, in addition to any special statutory requirements, also contain a brief statement of the object of the action substantially as follows: "This action is brought to recover a judgment for the sum of (indicate dollar amount), due and owing," or as the case may be.~~

~~—(c) By Whom Served.— Process shall be served by the constable, or by a deputy, or by the sheriff of the county where the defendant is found, or by a deputy, or by any person who is not a party and who is over 18 years of age, except that a subpoena may be served as provided in Rule 45; where the service of process is made outside of the United States, after an order of publication, it may be served either by any person who is not a party and who is over 18 years of age or by any resident of the country, territory, colony or province, who is not a party and who is over 18 years of age.~~

~~—(d) Summons: Personal Service.— The summons and complaint shall be served together. The plaintiff shall furnish the person making service with such copies as are necessary. Service shall be made by delivering a copy of the summons attached to a copy of the complaint as follows:~~

~~—(1) Service Upon Nevada Corporation.— If the suit is against a corporation formed under the laws of this state; to the president or other head of the corporation, secretary, cashier, managing agent, or resident agent thereof; provided, when for any reason service cannot be had in the manner hereinabove provided, then service may be made upon such corporation by delivering to the secretary of state, or the deputy secretary of state, a copy of said summons attached to a copy of the complaint, and by posting a copy of said process in the office of the clerk or justice of the~~

court in which such action is brought or pending; defendant shall have 20 days after such service and posting in which to appear and answer; provided, however, that before such service shall be authorized, plaintiff shall make or cause to be made and filed in such cause an affidavit setting forth the facts showing that personal service on or notice to the officers, managing agent or resident agent of said corporation cannot be had within the state; and provided further, that if it shall appear from such affidavit that there is a last known address of a known officer of said corporation outside the state, plaintiff shall, in addition to and after such service upon the secretary of state and posting, mail or cause to be mailed to such known officer at such address by registered mail, a copy of the summons and a copy of the complaint, and in all such cases defendant shall have 20 days from the date of such mailing within which to answer or plead.

~~— (2) **Service Upon Foreign Corporation or Nonresident Entity.** — If the suit is against a foreign corporation, or a nonresident partnership, joint stock company or association, doing business and having a managing or business agent, cashier, or secretary within this state; to such agent, cashier, or secretary or to an agent designated for service of process as required by law; or in the event no such agent is designated, to the secretary of state or the deputy secretary of state, as provided by law.~~

~~— (3) **Service Upon Minors.** — If against a minor, under the age of 14 years, residing within this state, to such minor, personally, and also to the minor's father, mother, or guardian; or if there be none within this state; then to any person having the care or control of such minor, or with whom the minor resides, or in whose service the minor is employed.~~

~~— (4) **Service Upon Incompetent Persons.** — If against a person residing within this state who has been judicially declared to be of unsound mind, or incapable of conducting his or her own affairs, and for whom a guardian has been appointed, to such person and also to his or her guardian.~~

~~— (5) **Service Upon Local Governments.** — If against a county, city, or town, to the chairperson of the board of commissioners, president of the council or trustees, mayor of the city, or other head of the legislative department thereof.~~

~~— (6) **Service Upon Individuals.** — In all other cases to the defendant personally, or by leaving copies thereof at the defendant's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, or by delivering a copy of the summons and complaint to an agent authorized by appointment or by law to receive service of process.~~

~~— (c) **Same: Other Service.**~~

~~— (1) **Service by Publication.**~~

~~— (i) **General.** — In addition to methods of personal service, when the person on whom service is to be made resides out of the state, or has departed from the state, or cannot, after due diligence, be found within the state, or by concealment seeks to avoid the service of summons, and the fact shall appear, by affidavit, to the satisfaction of the court or a justice thereof, and it shall appear, either by affidavit or by a verified complaint on file, that a cause of action exists against the defendant in respect to whom the service is to be made, and that the defendant is a necessary~~

or proper party to the action, such court or justice may grant an order that the service be made by the publication of summons.

— Provided, when said affidavit is based on the fact that the party on whom service is to be made resides out of the state, and the present address of the party is unknown, it shall be a sufficient showing of such fact if the affiant shall state generally in such affidavit that at a previous time such person resided out of this state in a certain place (naming the place and stating the latest date known to affiant when such party so resided there); that such place is the last place in which such party resided to the knowledge of affiant; that such party no longer resides at such place; that affiant does not know the present place of residence of such party or where such party can be found; and that affiant does not know and has never been informed and has no reason to believe that such party now resides in this state; and, in such case, it shall be presumed that such party still resides and remains out of the state, and such affidavit shall be deemed to be a sufficient showing of due diligence to find the defendant. This rule shall apply to all manner of civil actions.

— **(ii) Property.** In any action which relates to, or the subject of which is, real or personal property in this state in which such person defendant or corporation defendant has or claims a lien or interest, actual or contingent, therein, or in which the relief demanded consists wholly or in part of excluding such person or corporation from any interest therein, and the said defendant resides out of the state or has departed from the state, or cannot after due diligence be found within the state, or by concealment seeks to avoid the service of summons, the justice may make an order that the service be made by the publication of summons; said service by publication shall be made in the same manner as now provided in all cases of service by publication.

— **(iii) Publication.** The order shall direct the publication to be made in a newspaper, published in the State of Nevada, to be designated by the court or justice thereof, for a period of 4 weeks, and at least once a week during said time. In addition to in-state publication, where the present residence of the defendant is unknown the order may also direct that publication be made in a newspaper published outside the State of Nevada whenever the court is of the opinion that such publication is necessary to give notice that is reasonably calculated to give a defendant actual notice of the proceedings. In case of publication, where the residence of a nonresident or absent defendant is known, the court or justice shall also direct a copy of the summons and complaint to be deposited in the post office, directed to the person to be served at the person's place of residence. The service of summons shall be deemed complete in cases of publication at the expiration of 4 weeks from the first publication, and in cases when a deposit of a copy of the summons and complaint in the post office is also required, at the expiration of 4 weeks from such deposit.
— [As amended; effective July 1, 2005.]

— **(2) Personal Service Outside the State.** Personal service of summons upon a party outside this state may be made by delivering a copy of the summons, together with a copy of the complaint, to the party served in the manner provided by statute or rule of court for service upon a party of like kind within this state. The methods of service are cumulative, and may be utilized with, after, or independently of, other methods of service.

— **(3) Statutory Service.** Whenever a statute provides for service, service may be made under the circumstances and in the manner prescribed by the statute.

~~— (f) Territorial Limits of Effective Service. All process, including subpoenas, may be served anywhere within the territorial limits of the State and, when a statute or rule so provides, beyond the territorial limits of the State. A voluntary appearance of the defendant shall be equivalent to personal service of process upon the defendant in this State.~~

~~— (g) Return. The person serving the process shall make proof of service thereof to the court promptly and in any event within the time during which the person served must respond to the process. Proof of service shall be as follows:~~

~~— (1) If served by the sheriff, the constable or a deputy of either, the affidavit or certificate of such sheriff, constable or deputy; or,~~

~~— (2) If by any other person, the affidavit thereof; or~~

~~— (3) In case of publication, the affidavit of the publisher, foreman or principal clerk, or other employee having knowledge thereof, showing the same, and an affidavit of a deposit of a copy of the summons in the post office, if the same shall have been deposited; or,~~

~~— (4) The written admission of the defendant.~~

~~— In case of service otherwise than by publication, the certificate or affidavit shall state the date, place and manner of service. Failure to make proof of service shall not affect the validity of the service.~~

~~— (h) Amendment. At anytime in its discretion and upon such terms as it deems just, the court may allow any process or proof of service thereof to be amended, unless it clearly appears that material prejudice would result to the substantial rights of the party against whom the process issued.~~

~~— (i) Summons: Time Limit for Service. If a service of the summons and complaint is not made upon a defendant within 120 days after the filing of the complaint, the action shall be dismissed as to that defendant without prejudice upon the court's own initiative with notice to such party or upon motion, unless the party on whose behalf such service was required files a motion to enlarge the time for service and shows good cause why such service was not made within that period. If the party on whose behalf such service was required fails to file a motion to enlarge the time for service before the 120-day service period expires, the court shall take that failure into consideration in determining good cause for an extension of time. Upon a showing of good cause, the court shall extend the time for service and set a reasonable date by which service should be made.~~

Rule 4. Summons and Service

(a) Summons.

(1) Contents. A summons must:

(A) name the court, the county, and the parties;

(B) be directed to the defendant;

(C) state the name and address of the plaintiff's attorney or — if unrepresented — of the plaintiff;

(D) state the time within which the defendant must appear and defend under Rule 12(a) or any other applicable rule or statute;

(E) notify the defendant that a failure to appear and defend will result in a default judgment against the defendant for the relief demanded in the complaint;

(F) be signed by the clerk;

(G) bear the court's seal; and

(H) comply with Rule 4.4(c)(2)(C) when service is made by publication.

(2) Amendments. The court may permit a summons to be amended. Motions for the issuance of an amended summons must include a copy of the proposed summons for the court to issue.

(3) Unlawful Detainer Actions. In an unlawful detainer or forcible detainer action, time to appear and defend may not be shortened to less than 10 calendar days after service of the summons and complaint.

(b) Issuance. On or after filing a complaint, the plaintiff must present a summons to the clerk for issuance under signature and seal. If a summons is properly presented, the clerk must issue a summons under signature and seal to the plaintiff for service on the defendant. A summons — or a copy of a summons that is addressed to multiple defendants — must be issued for each defendant to be served. A court may elect to prepare and issue the summons to the plaintiff upon the filing of the complaint.

(c) Service.

(1) In General. Unless a defendant voluntarily appears, the plaintiff is responsible for having the summons and complaint served under Rule 4.2, 4.3, or 4.4 within the time allowed by Rule 4(e).

(2) Service With a Copy of the Complaint. A summons must be served with a copy of the complaint. The plaintiff must furnish the necessary copies to the person who makes service.

(3) By Whom. The summons and complaint may be served by the sheriff, ~~sheriff~~ deputy sheriff, constable, or deputy constable, of the county where the defendant is found, by a licensed process server, or by any person who is at least 18 years old and not a party to the action.

(4) Cumulative Service Methods. The methods of service provided in Rules 4.2, 4.3, and 4.4 are cumulative and may be utilized with, after, or independently of any other methods of service.

(d) Proof of Service. Unless a defendant voluntarily appears or waives or admits service, a plaintiff must file proof of service with the court stating the date, place, and manner of service no later than the time permitted for the defendant to respond to the summons.

(1) Service Within the United States. Proof of service within Nevada or within the United States must be made by affidavit from the person who served the summons and complaint.

(2) Service Outside the United States. Service not within the United States must be proved as follows:

(A) if made under Rule 4.3(b)(1)(A), as provided in the applicable treaty or convention; or

(B) if made under Rule 4.3(b)(1)(B) or (C), by a receipt signed by the addressee, or by other evidence satisfying the court that the summons and complaint were delivered to the addressee.

(3) *Service by Publication.* If service is made by publication, a copy of the publication must be attached to the proof of service, and proof of service must be made by affidavit from:

(A) the publisher or other designated employee having knowledge of the publication;
and

(B) if the summons and complaint were mailed to a person's last-known address, the individual depositing the summons and complaint in the mail.

(4) *Amendments.* The court may permit proof of service to be amended.

(5) *Failure to Make Proof of Service.* Failure to make proof of service does not affect the validity of the service.

(e) *Time Limit for Service.*

(1) *In General.* The summons and complaint must be served upon a defendant no later than 120 days after the complaint is filed, unless the court grants an extension of time under this rule.

(2) *Dismissal.* If service of the summons and complaint is not made upon a defendant before the 120-day service period – or any extension thereof – expires, the court must dismiss the action, without prejudice, as to that defendant upon the court's own initiative or upon motion. The court must provide written notice of the dismissal to the plaintiff.

(3) *Timely Motion to Extend Time.* If a plaintiff files a motion for an extension of time before the 120-day service period – or any extension thereof – expires and shows that good cause exists for granting an extension of the service period, the court must extend the service period and set a reasonable date by which service should be made.

(4) *Failure to Make Timely Motion to Extend Time.* If a plaintiff files a motion for an extension of time after the 120-day service period — or any extension thereof — expires but before dismissal of the action, the court must first determine whether good cause exists for the plaintiff's failure to timely file the motion for an extension before the court considers whether good cause exists for granting an extension of the service period. If the plaintiff shows that good cause exists for the plaintiff's failure to timely file the motion and for granting an extension of the service period, the court must extend the time for service and set a reasonable date by which service should be made.

Rule 4.1. Waiving Service

(a) **Requesting a Waiver.** An individual, entity, or association that is subject to service under Rule 4.2(a), 4.2(c)(1) or (2), 4.3(a)(1) or (3), or 4.3(b)(1) or (3) has a duty to avoid unnecessary expenses of serving the summons. The plaintiff may notify such a defendant that an action has been commenced and request that the defendant waive service of a summons. The notice and request must:

(1) be in writing and be addressed:

(A) to the individual defendant; or

(B) for an entity or association, to a person designated by Rule 4.2(c)(1);

(2) name the court where the complaint was filed;

(3) be accompanied by a copy of the complaint, two copies of the waiver form, Form 2 in the ~~NRC~~ **JCRCP** Appendix of Forms or its substantial equivalent, and a prepaid means for returning the form;

(4) inform the defendant, using the waiver form, of the consequences of waiving and not waiving service;

(5) state the date when the request is sent;

(6) give the defendant a reasonable time of at least 30 days after the request was sent—or at least 60 days if sent to the defendant outside the United States—to return the waiver; and
(7) be sent by first-class mail or other reliable means.

(b) **Failure to Waive.** If a defendant located within the United States fails, without good cause, to sign and return a waiver requested by a plaintiff located within the United States, the court must impose on the defendant:

(1) the expenses later incurred in making service; and
(2) the reasonable expenses, including attorney fees, of any motion required to collect those service expenses.

(c) **Time to Answer After a Waiver.** A defendant who, before being served with process, timely returns a waiver need not serve an answer to the complaint until 60 days after the request was sent—or until 90 days after it was sent to the defendant outside the United States.

(d) **Results of Filing a Waiver.** When the plaintiff files a waiver, proof of service is not required and these rules apply as if a summons and complaint had been served at the time of filing the waiver.

(e) **Jurisdiction and Venue Not Waived.** Waiving service of a summons does not waive any objection to personal jurisdiction or to venue.

Rule 4.2. Service Within Nevada

(a) **Serving an Individual.** Unless otherwise provided by these rules, service may be made on an individual:

(1) by delivering a copy of the summons and complaint to the individual personally;
(2) by leaving a copy of the summons and complaint at the individual's dwelling or usual place of abode with a person of suitable age and discretion who currently resides therein and is not an adverse party to the individual being served; or
(3) by delivering a copy of the summons and complaint to an agent authorized by appointment or by law to receive service of process.

(b) **Serving Minors and Incapacitated Persons.**

(1) **Minors.** A minor must be served by delivering a copy of the summons and complaint:
(A) if the minor is 14 years of age or older, to the minor; and
(B) to one of the following persons:
(i) if a guardian or similar fiduciary has been appointed for the minor, to the fiduciary under Rule 4.2(a), (c), or (d), as appropriate for the type of fiduciary;
(ii) if a fiduciary has not been appointed, to the minor's parent under Rule 4.2(a);

or

(iii) if neither a fiduciary nor a parent can be found with reasonable diligence:
(a) to an adult having the care or control of the minor under Rule 4.2(a); or
(b) to a person of suitable age and discretion with whom the minor resides.

(2) **Incapacitated Persons.** An incapacitated person must be served by delivering a copy of the summons and complaint:

(A) to the incapacitated person; and
(B) to one of the following persons:
(i) if a guardian or similar fiduciary has been appointed for the incapacitated person, to the fiduciary under Rule 4.2(a), (c), or (d), as appropriate for the type of fiduciary; or
(ii) if a fiduciary has not been appointed:

(a) to a person of suitable age and discretion with whom the incapacitated person resides;

(b) if the incapacitated person is living in a facility, to the facility under Rule 4.2, as appropriate for the type of facility; or

(c) to another person as provided by court order.

(c) *Serving Entities and Associations.*

(1) *Entities and Associations in Nevada.*

(A) An entity or association that is formed under the laws of this state, is registered to do business in this state, or has appointed a registered agent in this state, may be served by delivering a copy of the summons and complaint to:

(i) the registered agent of the entity or association;

(ii) any officer or director of a corporation;

(iii) any partner of a general partnership;

(iv) any general partner of a limited partnership;

(v) any member of a member-managed limited-liability company;

(vi) any manager of a manager-managed limited-liability company;

(vii) any trustee of a business trust;

(viii) any officer or director of a miscellaneous organization mentioned in NRS

Chapter 81;

(ix) any managing or general agent of any entity or association; or

(x) any other agent authorized by appointment or by law to receive service of process.

(B) If an agent is one authorized by statute and the statute so requires, a copy of the summons and complaint must also be mailed to the defendant entity or association at its last-known address.

(2) *Other Foreign Entities and Associations.* A foreign entity or association that cannot be served under Rule 4.2(c)(1) may be served by delivering a copy of the summons and complaint to any officer, director, partner, member, manager, trustee, or agent identified in Rule 4.2(c)(1) that is located within this state.

(3) *Service via the Nevada Secretary of State.*

(A) If, for any reason, service on an entity or association required to appoint a registered agent in this state or to register to do business in this state cannot be made under Rule 4.2(c)(1) or (2), then the plaintiff may seek leave of court to serve the Nevada Secretary of State in the entity's or association's stead by filing with the court an affidavit:

(i) setting forth the facts demonstrating the plaintiff's good faith attempts to locate and serve the entity or association;

(ii) explaining the reasons why service on the entity or association cannot be made; and

(iii) stating the last-known address of the entity or association or of any person listed in Rule 4.2(c)(1), if any.

(B) Upon court approval, service may be made by:

(i) delivering a copy of the summons and complaint to the Nevada Secretary of State or his or her deputy; and

(ii) posting a copy of the summons and complaint in the office of the clerk of the court in which such action is brought or pending.

(C) If the plaintiff is aware of the last-known address of any person listed in Rule 4.2(c)(1), the plaintiff must also mail a copy of the summons and complaint to each such person at the person's last-known address by registered or certified mail. The court may also order additional notice to be sent under Rule 4.4(d) if the plaintiff is aware of other contact information of the entity or association or of any person listed in Rule 4.2(c)(1).

(D) Unless otherwise ordered by the court, service under Rule 4.2(c)(3) may not be used as a substitute in place of serving, under Rule 4.3(a), an entity or association through a person listed in Rule 4.2(c)(1) whose address is known but who lives outside this state.

(E) The defendant entity or association must serve a responsive pleading within 21 days after the later of:

(i) the date of service on the Nevada Secretary of State and posting with the clerk of the court; or

(ii) the date of the first mailing of the summons and complaint to the last-known address of any person listed in Rule 4.2(c)(1).

(d) *Serving the State of Nevada, Its Public Entities and Political Subdivisions, and Their Officers and Employees.*

(1) *The State and Its Public Entities.* The State and any public entity of the State must be served by delivering a copy of the summons and complaint to:

(A) the Attorney General, or a person designated by the Attorney General to receive service of process, at the Office of the Attorney General in Carson City; and

(B) the person serving in the office of administrative head of the named public entity, or an agent designated by the administrative head to receive service of process.

(2) *State Officers and Employees.* Any current or former public officer or employee of the State who is sued in his or her official capacity or his or her individual capacity for an act or omission relating to his or her public duties or employment must be served by delivering a copy of the summons and complaint to:

(A) the Attorney General, or a person designated by the Attorney General to receive service of process, at the Office of the Attorney General in Carson City; and

(B) the current or former public officer or employee, or an agent designated by him or her to receive service of process.

(3) *Political Subdivisions and Their Public Entities.* Any county, city, town, or other political subdivision of the State, and any public entity of such a political subdivision, must be served by delivering a copy of the summons and complaint to the presiding officer of the governing body of the political subdivision, or an agent designated by the presiding officer to receive service of process.

(4) *Local Officers and Employees.* Any current or former public officer or employee of any county, city, town, or other political subdivision of the State, or any public entity of such a political subdivision, who is sued in his or her official capacity or his or her individual capacity for an act or omission relating to his or her public duties or employment must be served by delivering a copy of the summons and complaint to the current or former public officer or employee, or an agent designated by him or her to receive service of process.

(5) *Statutory Requirements.* A party suing the State, its public entities or political subdivisions, or their current or former officers and employees must also comply with any statutory requirements for service of the summons and complaint.

(6) *Extending Time.* The court must allow a party a reasonable time to cure its failure to:

(A) serve a person required to be served under Rule 4.2(d)(1) or (2), if the party has served the Attorney General; or

(B) serve the Attorney General under Rule 4.2(d)(1) or (2), if the party has served the required person.

Rule 4.3. Service Outside Nevada

(a) *Service Outside Nevada but Within the United States.*

(1) *Serving Individuals.* A party may serve process outside Nevada, but within the United States, in the same manner as provided in Rule 4.2(a) for serving such a defendant within Nevada, or as prescribed by the law of the place where the defendant is served.

(2) *Serving Minors and Incapacitated Persons.* A party may serve process outside Nevada, but within the United States, in the same manner as provided in Rule 4.2(b) for serving such a defendant within Nevada.

(3) *Serving Entities and Associations.* A party may serve process outside Nevada, but within the United States, in the same manner as provided in Rule 4.2(c)(1) for serving such a defendant within Nevada, or as prescribed by the law of the place where the defendant is served.

(4) *Serving Another State or Territory.* Service upon another state or territory, its public entities and political subdivisions, and their officers and employees may be made in the manner prescribed by that state's or territory's law for serving a summons or like process on such a defendant.

(5) *Serving the United States.* Service upon the United States and its agencies, corporations, officers, or employees may be made as provided by Rule 4 of the Federal Rules of Civil Procedure.

(6) *Authorized Persons.* Service must be made by a person who is authorized to serve process under the law of the state or territory where service is made.

(b) *Service Outside the United States.*

(1) *Serving an Individual.* Unless otherwise provided by these rules, an individual — other than a minor, an incapacitated person, or a person whose waiver has been filed — may be served at a place outside of the United States:

(A) by any internationally agreed means of service that is reasonably calculated to give notice, such as those authorized by the Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents;

(B) if there is no internationally agreed means, or if an international agreement allows but does not specify other means, by a method that is reasonably calculated to give notice:

(i) as prescribed by the foreign country's law for service in that country in an action in its courts of general jurisdiction;

(ii) as the foreign authority directs in response to a letter rogatory or letter of request; or

(iii) unless prohibited by the foreign country's law, by:

(a) delivering a copy of the summons and of the complaint to the individual personally; or

(b) using any form of mail that the clerk addresses and sends to the individual and that requires a signed receipt; or

(C) by other means not prohibited by international agreement, as the court orders.

(2) *Serving a Minor or Incapacitated Person.* A minor or an incapacitated person who is outside the United States must be served in the manner prescribed by Rule 4.3(b)(1)(B)(i) or (ii), or 4.3(b)(1)(C).

(3) *Serving Entities or Associations.* An entity or association that is outside the United States may be served in any manner prescribed by Rule 4.3(b)(1) for serving an individual, except personal delivery under Rule 4.3(b)(1)(B)(iii)(a).

(4) *Serving a Foreign Country or Political Subdivision.* A foreign country or a political subdivision, agency, or instrumentality thereof must be served under 28 U.S.C. § 1608.

Rule 4.4. Alternative Service Methods

(a) *Statutory Service.* If a statute provides for service, the summons and complaint may be served under the circumstances and in the manner prescribed by the statute.

(b) *Court-Ordered Service.*

(1) If a party demonstrates that the service methods provided in Rules 4.2, 4.3, and 4.4(a) are impracticable, the court may, upon motion and without notice to the person being served, direct that service be accomplished through any alternative service method.

(2) A motion seeking an order for alternative service must:

(A) provide affidavits, declarations, or other evidence setting forth specific facts demonstrating:

(i) the due diligence that was undertaken to locate and serve the defendant; and

(ii) the defendant's known, or last-known, contact information, including the defendant's address, phone numbers, email addresses, social media accounts, or any other information used to communicate with the defendant; and

(B) state the proposed alternative service method and why it comports with due process.

(3) If the court orders alternative service, the plaintiff must also:

(A) make reasonable efforts to provide additional notice under Rule 4.4(d); and

(B) mail a copy of the summons and complaint, as well as any order of the court authorizing the alternative service method, to the defendant's last-known address.

(4) The plaintiff must provide proof of service under Rule 4(d) or as otherwise directed by the court.

(5) A plaintiff may serve a defendant by publication only if the requirements of Rule 4.4(c) are met and the procedures for publication are followed.

(c) *Service by Publication.* If a party demonstrates that the service methods provided in Rules 4.2, 4.3, and 4.4(a) and (b) are impracticable, the court may, upon motion and without notice to the person being served, direct that service be made by publication.

(1) *Conditions for Publication.* Service by publication may only be ordered when the defendant:

(A) cannot, after due diligence, be found;

(B) by concealment seeks to avoid service of the summons and complaint; or

(C) is an absent or unknown person in an action involving real or personal property under Rule 4.4(c)(3).

(2) *Motion Seeking Publication.* A motion seeking an order for service by publication must:

(A) through pleadings or other evidence establish that: