

FILED

MAR 20 2020

John D. Sullivan
CLERK OF COURT

EIGHTH JUDICIAL DISTRICT COURT
CLARK COUNTY, NEVADA

IN THE ADMINISTRATIVE MATTER OF
COURT OPERATIONS OF CIVIL MATTERS IN
RESPONSE TO COVID-19

Administrative Order: 20-09

Rule 1.30(b) of the Rules of Practice for the Eighth Judicial District Court of the State of Nevada ("EDCR") charges the Chief Judge of the Eighth Judicial District Court ("EJDC") with various responsibilities, such as supervising the administrative business of the EJDC, ensuring the quality and continuity of its services, supervising its calendar, reassigning cases as convenience or necessity requires, assuring the court's duties are timely and orderly performed, and otherwise facilitating the business of the EJDC.

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). The District Court is closely monitoring local developments in response to COVID-19 and will continue to evaluate and implement measures to slow the spread of infection in our community. During this time, it is critical to prevent the spread of any illness among members of the court, counsel, staff, the public, and our valuable community partners. To further prevent the spread of disease, the Centers for Disease Control and Prevention recommends putting distance between yourself and other people. According to the CDC, the virus is spread mainly from people who are in close contact with one another—within about six feet

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20-13216

1 Given our extremely high caseloads and concerns for being able to process cases
2 appropriately after the resolution of the pandemic, the Eighth Judicial District Court
3 hopes to continue processing civil matters to the degree possible while balancing the
4 health and safety of attorneys, litigants and court staff. As a result, the following
5 measures are ordered:
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7 **I. Statutes of Limitation; Medical Malpractice Cases**

8 Attorneys and litigants should be aware the District Court is unable to waive
9 jurisdictional requirements including statutes of limitation to file complaints and requests
10 for trial de novo as well as the expert affidavit requirements in medical malpractice cases.
11 Complaints and, where appropriate, expert affidavits in medical malpractice cases should
12 be drafted as best as can be managed under the circumstances. Complaints need to be
13 filed prior to the running of the statute of limitations. Other than the failure to include an
14 affidavit in a medical malpractice case, motions to amend complaints may be an available
15 remedy to request correction of issues in a complaint when information was unavailable
16 due to the current circumstances.
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18 **II. Service of Process and Subpoena Issues**

19 The Court recognizes that accomplishing personal service may pose a significant
20 challenge at this time given that many businesses are closed and process servers may be
21 in short supply. Motions to extend service of process must be filed prior to the
22 expiration of the time to serve. Properly documented service issues related to the
23 COVID-19 pandemic will be considered good cause for a timely motion to extend service
24 of process. For the 30 days following the entry of this order, no subpoena may be issued
25 by an attorney under NRCP 45 without advance approval of the discovery
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1 commissioner. Issues regarding currently outstanding subpoena requests will be
2 considered on a case-by-case basis.

3 4 **III. Rule 16.1 Conferences**

5 In order to facilitate and encourage just, speedy, and inexpensive discovery in civil
6 legal actions, NRCP 16.1 Early Case Conferences will still take place when
7 possible. Early case conferences are to be conducted by telephone, teleconference,
8 videoconference or other alternate means. During the next 30 days, if an early case
9 conference cannot be accomplished by alternate means, it shall be rescheduled. No early
10 case conference shall be conducted in-person within 30 days from the date of this order.

11 All deadlines pursuant to NRCP 16.1 for initial disclosures, disclosure of expert
12 witnesses and testimony, supplementation of discovery, pre-trial disclosures, and filing of
13 joint and/or individual case conference reports shall be stayed for 30 days following the
14 entry of this order.

15 All initial disclosures, supplements and other written discovery shall be exchanged
16 only through electronic means for 30 days following the entry of this order.

17 18 **IV. Rule 16 Conferences by Alternative Means Encouraged**

19 In order to facilitate the just, speedy, and inexpensive disposition of legal actions,
20 NRCP 16 Pretrial Scheduling Conferences will still take place when possible. Rule 16
21 conferences are to be conducted by video or telephonic means, or rescheduled at the
22 direction of the assigned District Court Judge. If the participating parties are able to
23 participate by video, telephonic, or other alternative means, the District Court Judges are
24 encouraged to proceed with Rule 16 conferences. If such remote appearances are
25 unavailable or impossible for some reason, the NRCP 16 Pretrial Conferences should be
26 rescheduled. The District Court Judges should continue to comply with the deadlines set
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1 forth in NRCP 16(b)(2), but should be mindful that attorneys and parties will have a
2 difficult time conducting discovery, obtaining information for discovery responses, and
3 communicating with their clients, while the State of Nevada struggles with the outbreak
4 of the Coronavirus Disease (COVID-19). Consequently, District Court Judges are
5 encouraged to take these difficult times into consideration and provide additional time for
6 discovery when issuing NRCP 16 Scheduling Orders.
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8 **V. Discovery**

9 Any deposition pursuant to NRCP 30, that is scheduled to be conducted within the
10 next 30 days, may be conducted by telephone, teleconference, videoconference or
11 alternate means. Upon agreement of the parties and deponent, the in-person requirement
12 of NRCP 28 and 30(b)(5), which requires a deponent to appear before an officer
13 appointed or designated by NRCP 28 to administer oaths and take testimony, may be
14 modified, adjusted for social distancing requirements, or waived. However, if no
15 stipulation or other agreement can be reached by the parties, there shall be no in-person
16 deposition conducted within 30 days from the date of this order.
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18 All pending, unexpired discovery deadlines pursuant to NRCP 31 (depositions by
19 written questions), 33 (interrogatories to parties) 34 (producing documents, electronically
20 stored information and tangible things, or entering onto land, for inspection or other
21 purposes), and/or 36 (requests for admission) shall be stayed for 30 days from the date of
22 this order. This stay shall serve to extend the 30-day deadline for serving responses to
23 written discovery, pursuant to NRCP 31, 33, 34 and 36, by 30 days, unless the time to
24 respond to the written discovery expired on or before March 13, 2020.
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26 The parties shall vacate and reschedule any in-person NRCP 35 examination that
27 is to be conducted within 30 days from the date of this order.
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1 All hearings scheduled before the Discovery Commissioner in the next 30 days shall
2 be conducted by alternative means.
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4 **VI. Stay of Cases**

5 A complete stay of any civil case will be considered on a case-by-case basis. A
6 stay of any case should be liberally granted at this time based on any COVID-19 related
7 issues.

8 **VII. Settlement Conferences Vacated**

9 Judicial settlement conferences are non-essential. Most judicial settlement
10 conferences are less than effective without in-person appearances of the respective
11 parties. As a result, all judicial settlement conferences scheduled through the District
12 Court Judicial Settlement Conference are vacated. The parties in those cases should
13 confer with one another and submit 5 agreeable dates after June 1, 2020 to Department 30
14 so conferences can be rescheduled. Parties who have settlement conferences set through
15 the Senior Judge Program should contact the Senior Judge Program to reschedule their
16 settlement conference or inquire whether it will go forward by alternative means. If
17 parties agree that a meaningful settlement conference by alternative means would be
18 possible, nothing in this Order prevent parties from requesting individual judges to
19 conduct a settlement conference. All parties and counsel would be required to appear by
20 alternative means.
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22 **VIII. Response Time for Offers of Judgment Suspended**

23 With many businesses closed and with individuals ill, quarantined, or practicing
24 social distancing, attorneys may experience extreme difficulty communicating with their
25 clients. As a result, the time to respond to any offers of judgment submitted pursuant to
26 NRCJ 68 is suspended. This applies to any offer of judgment submitted on March 13,
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1 2020 or after. After this order is lifted, parties will have ten days to respond to any
2 pending offer of judgment. Nothing in this order precludes a party from accepting an
3 offer of judgment submitted while this order is in effect.
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5 **IX. Non-Jury Trials May Proceed by Alternate Means; Five Year Rule for Trials;**
6 **Continuances**

7 Any scheduled non-jury trials are considered non-essential. Non-jury trials may
8 be conducted by alternative means or rescheduled.

9 AO 20-1 provides, "This order shall operate to stay trial in civil cases for purposes
10 of NRCP 41(e)." The stay applies to both jury and bench trials.


11 Attorneys may have difficulty obtaining witnesses or being prepared for trial in the
12 period immediately following the duration of the administrative orders relating to
13 COVID-19. Judges are encouraged to liberally grant continuances to allow time for
14 preparation.
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16 **X. Writs of Execution and Writs of Garnishment Stayed**

17 Any writs of execution or writs of garnishment ordered by the court prior to this
18 order will be stayed. Writs of execution or garnishment issued on or after the date of this
19 order will also be stayed until this order is lifted.

20 This order shall be reviewed no later than every 30 days and shall continue until
21 modified or rescinded by a subsequent order.

22 Entered this 20th day of March 2020.

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25 LINDA MARIE BELL
26 Chief Judge
27 Eighth Judicial District Court
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