

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE ADMINISTRATIVE MATTER
OF ADOPTION OF COURT RULES
FOR THE JUSTICE COURT OF
HENDERSON TOWNSHIP

ADKT 0562

FILED

DEC 23 2020

*ORDER ADOPTING COURT RULES FOR
THE HENDERSON JUSTICE COURT*

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

WHEREAS, on July 14, 2020, Chief Justice of the Peace Samuel G. Bateman and Justices of the Peace David S. Gibson, Sr., and Stephen L. George, Justice Court of Henderson Township filed a petition requesting the Nevada Supreme Court to adopt proposed Court Rules for the Justice Court of Henderson Township.

WHEREAS, this court solicited public comment on the petition and a public hearing was held in this matter on November 5, 2020; and

WHEREAS, the adoption of the proposed Court Rules for the Justice Court of Henderson Township is appropriate; accordingly,

IT IS HEREBY ORDERED that the Court Rules for the Justice Court of Henderson Township shall be adopted and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that the adoption of the Court Rules for the Justice Court of Henderson Township shall be effective immediately. On August 31, 2020, Governor Sisolak entered Declaration of Emergency Directive 31 ordering that the Supreme Court may exercise its inherent authority as a separate branch of government to waive the provisions of NRS 2.120 requiring 60 days between the notice of entry of new rules and its implementation for the purpose of adopting new rules to implement SB1. The clerk of this court shall cause a notice of entry of this

cc: All District Court Judges
All Justices of the Peace
Hon. Samuel G. Bateman, Chief Justice of the Peace,
Henderson Township
Hon. David S. Gibson, Sr., Justice of the Peace, Henderson Township
Hon. Stephen L. George, Justice of the Peace, Henderson Township
Barbara Buckley, Executive Director, Legal Aid Center of Southern
Nevada
Jim Berchtold, Directing Attorney, Consumer Rights Project
Eric Dobberstein, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Elko County Bar Association
Douglas County Bar Association
Administrative Office of the Courts

EXHIBIT A

ADOPTION OF THE LOCAL RULES OF PRACTICE FOR THE JUSTICE COURT OF HENDERSON TOWNSHIP

Rule 1. Title. These rules may be known and cited as the Justice Court Rules of Henderson Township, or may be abbreviated JCRH.

Rule 2. Application of rules. Except as otherwise provided by specific statute, and unless specifically provided otherwise in these rules, the Justice Court Rules of Henderson Township apply to all proceedings filed in the Henderson Township Justice Court except the following:

- (a) Cases submitted on agreed statements of fact.
- (b) Small claims cases as defined by NRS Chapter 73, summary eviction cases, criminal cases, actions for the issuance of orders for protection under NRS Chapter 33 and NRS Chapter 200, and traffic cases (unless any of these case types are specifically addressed in these rules).

Rule 3. Definitions of words and terms. In these rules, unless the context or subject matter otherwise requires:

- (a) “Case” shall include and apply to any and all actions, proceedings, and other court matters, however designated.
- (b) “Clerk” means the clerk of the justice court.
- (c) “Court” means the justice court.
- (d) “Party,” “petitioner,” “applicant,” “claimant,” “plaintiff,” “defendant,” or any other designation of a party to any action or proceeding, case, or other court matter shall include and apply to such party’s attorney of record.

(e) “Person” shall include and apply to corporations, firms, associations and all other entities, as well as natural persons.

(f) “Shall” is mandatory, and “may” is permissive.

(g) The past, present, and future tenses shall each include the others; the masculine, feminine, and neuter genders shall each include the others; and the singular and plural numbers shall each include the other.

(h) “Paper” shall include all paper and electronic filings.

Rule 4. Effect of rule and subdivision headings. Rule and subdivision headings set forth in these rules shall not in any manner affect the scope, meaning, or intent of any of the provisions of these rules.

Rule 5. Non-judicial days. If any day on which an act required to be done by any of these rules falls on a Friday, Saturday, Sunday, or declared state holiday, the act may be performed on the next succeeding judicial day.

Rule 6. Use and construction of the rules.

(a) Whenever the judge who will try the case, upon motion of a party or upon the judge’s own motion, determines that a case should not follow regular procedures according to these rules, the judge may make such orders as deemed advisable for all subsequent proceedings.

(b) These rules shall be liberally construed to secure the proper and efficient administration of the business and affairs of the court and to promote and facilitate the administration of justice by the court.

Rule 6.5. Chief Judge.

(a) *Selection and term.* The justices of the peace shall select a chief judge for a term of 2 years. However, by unanimous consent, the term may be extended for a subsequent 2-year term.

(b) *Duties and responsibilities.* The chief judge must:

- (1) Be responsible for the chief judge's own calendar.
- (2) Be responsible for the administration of court rules and regulations.
- (3) Consider and rule on any ex parte applications for orders in cases that have not been assigned.
- (4) Hear or reassign emergency matters when the assigned judge is absent or otherwise unavailable.
- (5) Designate another judge to perform the duties of chief judge when the chief judge is absent.
- (6) Oversee all administrative and clerical work and functions of the court as set forth in NRS Chapter 4.
- (7) Designate judicial assignments in the event of a recusal.
- (8) Supervise case/docket management.
- (9) Meet with county management or board of county commissioners as needed.
- (10) Serve as signatory authority where needed.

(c) *Removal as chief judge.* The chief judge may be removed from the position of chief by a majority vote of the judges present at a duly noticed meeting. Any judge may appeal any order of the chief judge to the full panel of the judges. Any order of the chief judge can only be reversed by majority vote of the judges attending a regularly scheduled meeting.

(d) To facilitate the business of the court, the chief judge may delegate the duties prescribed in these rules to other judges.

Rule 6.6. Customer service hours. All matters shall be set in the office of the clerk of the court where the case is filed. The office shall be open for that purpose from 7 a.m. to 4:30 p.m., Monday through Thursday, with the following exceptions:

(a) The court will be closed on non-judicial days; and

(b) The court may permanently alter the hours described in subsection (a), and the court may temporarily close customer service windows for specific periods of 4 hours or less, in order to train staff, reduce backlogs, or serve other purposes deemed necessary by the court. Closure under this subsection must be preceded by 3 days of conspicuous posted notice in the customer service lobby.

Rule 7. Reports of clerk to judge. The chief judge shall require the clerk of the court to keep a record of all matters filed and to periodically provide the judges with a full report to this effect.

Rule 8. Duties of marshal. During the time the court remains in session, the marshal shall:

(a) Prevent all persons from coming within the bar except officers of the court, attorneys and parties to, or jurors or witnesses in, the cause or matter being tried or heard.

(b) Keep the passageway to the bar clear for ingress or egress.

(c) Preserve order in the court and within the hearing of the court.

(d) Attend the needs of the jury.

- (e) Open and close court.
- (f) Provide for the security of the courtroom.
- (g) Perform such other duties as are required by the justices of the peace.

Rule 9. Custody and withdrawal of papers, records, and exhibits.

(a) The court clerk or the judge shall have custody of the records and papers of the court. They shall not permit any original record, paper, or exhibit to be taken from the courtroom, judge's chambers, or the clerk's office, except at the direction of the court or as provided by statute or these rules.

(b) Papers, records, or exhibits belonging to the files of the court may be temporarily withdrawn from the office and custody of the clerk for a limited time upon the special order of the judge in writing, specifying the record, paper, or exhibit, and limiting the time the same may be retained. A receipt shall be given for any paper, record, or exhibit withdrawn from the files.

(c) Models, diagrams, and exhibits of material forming part of the evidence taken in a case may be withdrawn by order of the court in the following manner:

(1) By stipulation of the parties.

(2) By motion made after notice to the adverse party.

(3) After a judgment is final and the time to appeal has expired, by the party introducing the same in evidence, unless the model, diagram, or exhibit is obtained from the adverse party. If any model, diagram, or exhibit is withdrawn under this paragraph, the party or attorney who withdraws the same shall file an affidavit or unsworn declaration with the clerk to the effect that the person who withdraws it is the owner of or lawfully entitled to the possession of the model, diagram, or exhibit.

(d) Withdrawal of any model, diagram, or exhibit shall be on court order on such terms and conditions as the court may impose, and a receipt therefor shall be filed with the clerk.

(e) Upon request, the court will make all exhibits available for pickup or will return all exhibits to the submitting party via U.S. mail or through an appropriate runner service. If documents are returned as undeliverable, or if exhibits are not appropriate for mailing, the court may destroy such documents or dispose of such exhibits no earlier than 90 days from the expiration of the appeal period.

Rule 10. Form of pleadings.

(a) All pleadings and papers presented for filing must be flat, unfolded, and firmly bound together at the top on white paper of standard quality not less than 16-lb. weight and 8 1/2 by 11 inches in size. All papers shall be typewritten or prepared by some other process that will produce clear and permanent copies equally legible to printing. The print size shall not be more than 10 characters per inch, e.g., pica. Only one side of the paper may be used unless the document is a writ, a summons, or a proof of service.

(b) All papers presented for filing, receiving, or lodging with the clerk shall be pre-punched with 2 holes, centered 2 3/4 inches apart and 1/2 inch to 5/8 inch from the top edge of the paper. All original papers shall be stamped ORIGINAL between the punched holes in red ink. In addition to the original document, 2 extra copies may be submitted to the court for processing. Any excess copies received for conforming purposes will be returned.

(c) The lines on each page must be double spaced, except that descriptions of real property and quotations that are reasonable in length may

be single spaced. Pages must be numbered consecutively and at the bottom. Lines of pages must be numbered in the left margin.

(d) No original pleading or paper shall be amended by making erasures or interlineations thereon, or by attaching slips thereto, except by leave of court. All original pleadings or papers requiring judicial signatures must list the signature line within 4 lines of the last line of the order, ensuring no page separation between the last line of the order and the signature line.

(e) The following information shall appear on the first page of every paper presented for filing:

(1) The name, Nevada State Bar identification number, address, and telephone number of the attorney and of any associated attorney appearing for the party filing the paper, and whether such attorney appears for the plaintiff, defendant, or other party; or the name, address, and telephone number of a party appearing in pro se, shall be set forth to the left of center of the page beginning at line 1 and shall be single spaced. The space to the right of center shall be reserved for the filing marks of the clerk.

NAME
BAR NUMBER
ADDRESS
CITY, STATE, ZIP CODE
TELEPHONE NUMBER
ATTORNEY FOR:

(2) The title of the court shall appear at the center of the page, line 6, below the information required by paragraph 1 as follows:

IN THE JUSTICE COURT OF HENDERSON TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

(3) The name of the action or proceeding shall appear below the title of the court in the space to the left of center at line 9, for example:

citation to West's Regional Reporter System must be given together with the state and year of the decision. When a decision of the United States Supreme Court is cited, the United States Reports citation and year of decision must be given. When a decision of the court of appeals or of a district court or other court of the United States has been reported in the Federal Reporter System, that citation, court, and year of decision must be given.

(h) The clerk must not accept for filing any pleadings or documents that do not comply with this rule, but for good cause shown, the court may permit the filing of noncomplying pleadings and documents. Paragraph (a), except as to the size of paper, and paragraph (c) of this rule do not apply to printed forms furnished by the clerk, the district attorney, or the public defender.

(i) All transcripts of evidence and proceedings prepared and filed by official court reporters shall be prepared on a page of paper 8 1/2 by 11 inches. The left margin must not be more than 1 1/2 inches from the left edge of the paper. The right margin must not be more than 3/4 inch from the right edge of the paper. Each sheet must be numbered on the left margin and must contain a minimum of 24 lines of type. The first line of each question or of each answer may be indented not more than 5 spaces from the left margin. The first line of any paragraph or other material may be indented not more than 10 spaces from the left margin. There must not be more than 1 space between words or more than 2 spaces between sentences. The type size must not be larger than 10 characters per inch. The lines of type may be double spaced or 1 1/2 spaced.

(j) All documents that must be served shall contain proof of service when filed with the court.

Rule 10.5. Amending pleadings.

(a) A copy of a proposed amended pleading must be attached to any motion to amend the pleading. Unless otherwise permitted by the court, every pleading to which an amendment is submitted as a matter of right, or has been allowed by order of the court, must be re-typed or re-printed and filed so that it will be complete in itself, including exhibits, without reference to the superseded pleading. No pleading will be deemed to be amended until there has been compliance with this rule.

(b) All amended pleadings must contain copies of all exhibits referred to in such amended pleadings. A pleader may, upon ex parte application, obtain an order from the court directing the clerk to remove any exhibit attached to prior pleadings and attach the same to the amended pleading.

Rule 11. Motions: Procedure for making motions; affidavits and unsworn declarations; renewal and rehearing of motions.

(a) A party filing a motion shall also file and serve with it a memorandum of points and authorities in support of each ground thereof. The absence of such memorandum may be construed as an admission that the motion is not meritorious and cause for its denial or as a waiver of all grounds not so supported.

(b) Within 10 days after the service of the motion, the opposing party shall file and serve a written opposition thereto, together with a memorandum of points and authorities and supporting affidavits or unsworn declarations, if any, stating facts showing why the motion should be denied. Failure of the opposing party to file and serve a written opposition may be construed as an admission that the motion is meritorious and a consent to granting the same.

(c) The moving party may file and serve reply points and authorities within 5 days after service of the opposing points and authorities. Upon the expiration of the 5-day period, either party may notify the calendar clerk to submit the matter for decision by filing and serving all parties with a written request for submission of the motion, except that dispositive motions must be set for hearing.

(d) The affidavits or unsworn declarations to be used by either party shall identify the affiant or declarant, the party on whose behalf it is submitted, and the motion or application to which it pertains and shall be filed and served with the motion or opposition to which it relates. Affidavits or unsworn declarations shall contain only factual, evidentiary matter, shall conform with the requirements of Justice Court Rule of Civil Procedure (JCRCPP) 56(e), and shall avoid mere general conclusions or argument. Affidavits or unsworn declarations substantially defective in these respects may be stricken, wholly or in part.

(e) Factual contentions involved in any pretrial or post-trial motion shall be initially presented and heard upon affidavits or unsworn declarations. Oral testimony may be received at a hearing with the approval of the court, or the court may set the matter for a hearing at a time in the future and allow oral examination of the affiants or declarants to resolve factual issues shown to be in dispute.

(f) No motion once heard and disposed of shall be renewed in the same cause, nor shall the same matters therein embraced be reheard, unless by leave of the court.

(g) All motions regarding discovery disputes shall include the certificate of the moving party certifying that after consultation with the opposing party, they have been unable to resolve the matter.

(h) Except by leave of the court, all motions for summary judgment must be submitted to the court at least 30 days prior to the date the case is set for trial.

(i) If a motion for rehearing is granted, the court may make a final disposition of the cause without argument, restore it to the calendar for argument or resubmission, or make such other orders as are deemed appropriate under the circumstances of the particular case.

(j) All motions in limine are to be governed by Rule 23.

(k) A certificate of service must be filed within 3 judicial days of service of any motion, opposition, or reply.

(l) For purposes of this rule, service of a motion, opposition, or reply must be made upon the party's "last known address," which is defined as follows:

(1) The address that is currently on file with the court; or

(2) If a "change of address" form has been filed by the party to be served, the most recent address that appears in that form.

Rule 12. Motions for continuance: Contents, service of affidavits or unsworn declarations; counter-affidavits and counter-unsworn-declarations; argument.

(a) No continuance of a trial in a case shall be granted except for good cause. A motion or stipulation for continuance shall state the reason therefor and whether or not any previous request for continuance had been either sought or granted. The motion or stipulation must certify that the parties have been advised that a motion or stipulation for continuance is to be submitted in their behalf and must state any objection the parties may have thereto.

(b) If a continuance of any trial is granted, the court will set the future trial date.

(c) All contested motions for the continuance of cases shall be made on affidavit or unsworn declaration except where it shall appear to the court that the moving party needs to be sworn and orally testify to the same factual matters as hereinafter required for an affidavit.

(d) When a motion for continuance is made on the ground of absence of witnesses, the affidavit or unsworn declaration shall state:

(1) The names of the absent witnesses and their present residences, if known.

(2) What diligence has been used to procure their attendance or their depositions, and the causes of a failure to procure the same.

(3) What the affiant or declarant has been informed and believes will be the testimony of each of such absent witnesses, and whether or not the same facts can be proven by witnesses other than parties to the suit whose attendance or depositions might have been obtained.

(4) At what time the applicant first learned that the attendance or depositions of such absent witnesses could not be obtained.

(5) That the application is made in good faith and not merely for delay.

(e) Copies of the affidavits or unsworn declarations upon which a motion for continuance is made shall be served upon the opposing party as soon as practicable after the cause for the continuance shall be known to the moving party.

(f) Counter-affidavits or counter-unsworn-declarations may be used in opposition to the motion.

Rule 13. Extension or shortening of time.

(a) All motions for extensions of time shall be made upon 5 days' notice to all parties. Such motion shall be made to the judge who is to try the case.

(b) Except as provided in this rule, and except as otherwise provided in JCRCF 4(i), no ex parte application for extension of time will be granted. Upon presentation of a motion for extension, if a satisfactory showing is made to the judge that a good-faith effort has been made to notify the opposing party of the motion, and the judge finds good cause therefor, the judge may order ex parte a temporary extension pending a determination of the motion.

(c) For good cause shown, the judge who is to try the case, or if the judge is not in the courthouse during regular judicial hours, the chief judge, may make an ex parte order shortening time upon a satisfactory showing to the judge that a good-faith effort has been made to notify the opposing party of the motion.

Rule 14. Trial, hearing of cause, proceeding, motion entered into by one judge prevents action by another judge unless requested; only judge having charge of cause may grant further time to plead, act.

(a) When any justice of the peace or justice of the peace pro tempore has begun the trial or hearing of any case, proceeding, or motion, or made any ruling, order, or decision therein, no other judge or justice of the peace pro tempore in a different department shall do any act or thing in or about such cause, proceeding, or motion, unless:

(1) Upon the request of the justice of the peace or justice of the peace pro tempore who shall have first entered upon the trial or hearing of such cause, proceeding, or motion; or

(2) Upon the formal retracking or reassignment of the case to a different department.

(b) Subject to Rules 11 and 13, no judge except a judge of the township where the cause or proceeding is pending shall grant further time to plead, move, or do any act or thing required to be done in any cause or proceeding unless:

(1) The judge is absent or from other cause is unavailable to act;

(2) Another judge or justice of the peace pro tempore has been requested to act by the judge having charge of the cause; or

(3) Another judge is assigned to the court by the chief judge, in which case that judge may hear any matter coming before the court during the period of assignment.

Rule 15. Application for writ, order to another judge prohibited when same application pending before different judge or previously denied; exception. When an application, petition, or motion for any writ or order has been made to a justice of the peace and is pending or has been denied by such judge, the same application or motion shall not again be made to the same or another justice of the peace, except upon the consent in writing of the judge to whom the application or motion was first made.

Rule 16. Appearances in pro se. Unless appearing by an attorney regularly admitted to practice law in Nevada and in good standing, no entry of appearance or subsequent document purporting to be signed by any party to an action shall be recognized or given any force or effect unless the same shall be notarized, or signed with an unsworn declaration pursuant to NRS 53.045,

by the party signing the same. Corporations and limited liability corporations shall be represented by an attorney.

Rule 17. Preparation of findings, conclusions, and judgment. In a civil case, where a judge directs an attorney to prepare findings of fact, conclusions of law, and judgment, the attorney shall serve a copy of the proposed document upon counsel for all parties who have appeared or upon the party if a party has appeared in pro se at the trial. No earlier than 5 days after service, the attorney shall submit the same to the court for signature, together with proof of such service.

Rule 18. Interrogatories and admissions.

(a) Answers and objections to interrogatories pursuant to JCRCP 33 shall identify and quote each interrogatory in full immediately preceding the statement of any answer or objection thereto.

(b) Denials of, and objections to, requests for admissions pursuant to JCRCP 36, requests for production of documents, and applications for protective orders shall identify and quote each request for admission, interrogatory question, or demand in full immediately preceding the statement of any answer or objection thereto.

Rule 19. Filing orders. Any order, judgment, or decree that has been signed by a judge must be filed with the clerk of the court promptly. No attorney shall withhold or delay the filing of any such order, judgment, or decree for any reason, including the nonpayment of attorney fees.

Rule 20. Effective date. Each of these rules shall become effective upon approval by the Nevada Supreme Court, but this shall not affect any proper action taken prior to the effective date of a given rule.

Rule 21. Random assignments.

(a) Subject to the provisions of this rule, all civil cases shall be randomly assigned to departments designated by the chief judge to hear civil cases.

(b) If multiple summary eviction cases involving the same tenant have been filed within a 3 month period, the current filing will be tracked to the judicial department that corresponds to the case with the lowest case number. If there are no prior summary eviction cases involving the same tenant within the last 3 months, the current case will be randomly assigned.

(c) The chief judge shall have the power to assign a case or categories of cases to a specific department.

(d) If a justice of the peace has recused or has been disqualified, the case will be randomly assigned to another justice of the peace.

(e) When the transfer of a case to another department is necessary, it shall be the primary responsibility of the transferring judge and his or her staff to arrange the transfer to another, randomly chosen, department with the agreement of the new department. In the event that the department cannot successfully transfer the case, the matter shall be referred to the chief judge for resolution or reassignment.

(f) Protection order actions shall be governed by the provisions of Rule 42.

Rule 22. Setting cases for trial.

(a) Except as otherwise provided in Rule 39, all cases shall be set for trial within 12 months of the date that the trial setting occurs, unless otherwise ordered by the trial court.

(b) Cases can be set for trial via telephone conference or any other convenient method.

(c) All disputes concerning calendar settings shall be resolved by each judicial department, or the chief judge may intervene if the department cannot resolve the dispute.

(d) Applications for trial setting shall be made on a form provided by the applicant designated "Request for Trial Setting." It shall be the responsibility of the applicant to produce an original and the necessary copies of the "Request for Trial Setting" form on which the court department shall endorse the date and time of such setting. The applicant shall file the original and serve a copy upon the other party. The "Request for Trial Setting" will be set for hearing, at which time the court will set a future trial date.

(e) Once set, a case may be removed from the calendar only with the consent of the trial judge or the chief judge, if the trial judge is unavailable.

(f) When a trial judge or the chief judge signs an order in chambers setting forth a calendar date, a copy of said order shall be delivered to the individual responsible for calendaring cases in each court department.

Rule 22.5. Notices of motion and chambers calendars.

(a) Except as otherwise provided by statute or court rule, all motions must contain a notice of motion setting the same for hearing on a day when the judge to whom the case is assigned is hearing civil motions and not less than

21 days from the date the motion is served and filed. The notice of motion must be substantially in the following form:

NOTICE OF MOTION

TO: Nonmoving Party

YOU AND EACH OF YOU will take notice that on the _____ day of _____, 2_____, at the hour of ____ o'clock __m., of said day, the above motion will be heard in

[The following notice must appear in bold print and capital lettering.]

NOTICE:

YOU ARE REQUIRED TO FILE WITH THE COURT AND SERVE ON THE MOVING PARTY A WRITTEN "OPPOSITION" TO THIS MOTION WITHIN 10 JUDICIAL DAYS. YOUR FAILURE TO FILE AND SERVE A WRITTEN OPPOSITION MAY BE UNDERSTOOD AS AN ADMISSION THAT THE MOTION IS VALID, AND MAY RESULT IN THE COURT GRANTING THE RELIEF REQUESTED IN THE MOTION AGAINST YOU.

[If the motion is a motion for summary judgment, the following additional notice must also appear in bold print and capital letters as set forth below.]

NOTICE TO PRO SE LITIGANT WHO OPPOSES A MOTION FOR SUMMARY JUDGMENT:

The other party in this case has moved for summary judgment pursuant to Rule 56 of the Justice Court Rules of Civil Procedure. This means that the moving party has asked the court to decide this case without a trial, based on written materials, including affidavits and unsworn declarations, submitted in support of the motion. IF YOU DO

NOT TIMELY RESPOND TO THE MOTION BY FILING AFFIDAVITS OR UNSWORN DECLARATIONS AS REQUIRED BY RULE 56 OF THE JUSTICE COURT RULES OF CIVIL PROCEDURE, THE COURT MAY ENTER A JUDGMENT AGAINST YOU AND IN FAVOR OF THE MOVING PARTY WITHOUT A TRIAL.

Submitted by:

Name
Bar Number
Address
City, State, Zip Code
Telephone Number
Attorney for:

(b) If the time to oppose a motion has passed and no opposition has been filed, counsel for the moving party may submit to the clerk's office a proposed order granting the motion. The judge may then review the proposed order and may render a decision or abstain from ruling on the motion until a hearing has been conducted. Dispositive motions must be set for hearing.

(c) If, after reviewing the motion that has been designated to be heard in chambers, a judge chooses to set the matter for oral argument, the judicial executive assistant or courtroom clerk for that judge may generate notices of hearing.

Rule 23. Trial memoranda.

(a) When all parties are represented by counsel, the designated trial attorneys for all of the parties must meet together, prior to any final pretrial conference, to exchange their exhibits and lists of witnesses and arrive at stipulations and agreements, all for the purpose of simplifying the issues to be tried. The plaintiff must designate the time and place of the meeting, which

must be within Clark County unless the parties agree otherwise. At this conference between counsel, all exhibits must be exchanged and examined, and counsel must also exchange a list of the names and addresses of all witnesses, including experts, to be called at the trial. Unless otherwise ordered by the court, the attorneys must then prepare a joint pretrial memorandum, which must be served and filed not less than 15 days before the date set for trial. If an agreement cannot be reached, a pretrial memorandum must be prepared separately by each attorney and so submitted. A courtesy copy of each pretrial memorandum must be delivered to the court at the time of filing.

(b) When not all parties are represented by counsel:

(1) Any party may elect to file a pretrial memorandum to assist the court; and

(2) A party must file a pretrial memorandum if ordered by the court to do so.

(c) A pretrial memorandum under this rule must be as concise as possible and must include in numerical order the following items:

(1) If applicable, the date that the conference between the parties under subsection (a) was held and the persons present.

(2) A concise statement of the claimed facts supporting the party's claims or defenses. Such facts shall be organized by listing each essential element of the claim or defense and separately stating the facts in support of each such element. Admitted or undisputed facts must also be stated separately.

(3) A list of all claims for relief designated by reference to each claim or paragraph of a pleading and a description of the claimant's theory of recovery with each category of damages requested.

(4) A list of affirmative defenses.

(5) A list of all claims or defenses to be abandoned.

(6) A list of all exhibits, including exhibits that may be used for impeachment, and a specification of any objections each party may have to the admissibility of the exhibits of an opposing party. If no objection is stated, it will be presumed that counsel has no objection to the introduction into evidence of these exhibits.

(7) Any agreements as to the limitation or exclusion of evidence.

(8) A list of the witnesses (including experts), and the address of each witness which each party intends to call. Failure to list a witness, including impeachment witnesses, may result in the court's precluding the party from calling that witness.

(9) A brief statement of each principal issue of law that may be contested at the time of trial. This statement shall include with respect to each principal issue of law the position of each party.

(10) An estimate of the time required for trial.

(11) In nonjury cases, a list of summaries of schedules referring to attached, itemized exhibits concerning any subject matter that involves accounting, computation, chronology, or similar data reasonably calling for orderly itemization, e.g., wages, income, expenses, inventories, business operations, tax computations, disability periods, property losses, itemizations of claimed losses or injuries, and the data and reasons upon which an expert bases his opinion (not the opinion itself), which clearly reflect the claims, defenses, or evidence of the party, together with references to the records or other sources upon which such summaries or schedules are based.

(12) Certification by counsel that discovery has been completed, unless late discovery has been agreed to by all parties or allowed by order of the court.

(13) Certification by counsel that, prior to the filing of the pretrial memorandum, they have personally met and conferred in good faith to resolve the case by settlement.

(14) All motions in limine to exclude or admit evidence must be in writing and filed no later than 30 days prior to trial. The court may refuse to consider any oral motion in limine and any motion in limine that is not timely filed.

(15) Any other matter that counsel or a party desires to bring to the attention of the court prior to trial.

(d) The above requirements are in addition to the requirements mandated of counsel by JCRC 16.1.

(e) In cases to be tried before a jury, the memoranda set forth in JCRC 39A shall be used in lieu of a pretrial memorandum.

(f) Unless otherwise ordered by the court, an attorney may also elect to submit to the court, in any civil case, a separate trial memoranda of points and authorities prior to the commencement of trial by delivering one unfiled copy to the court, without serving opposing parties or filing the same. The original trial memoranda of points and authorities must be filed and a copy must be served upon opposing parties at or before the close of trial.

Rule 24. Pretrial conferences.

(a) The trial judge may require a pretrial conference upon the judge's own motion or upon motion made by either party prior to trial.

(b) During a pretrial conference, the court may consider the following subjects:

- (1) Use of depositions at trial in lieu of live testimony;
- (2) Time required for trial;

- (3) Alternate methods of dispute resolution;
- (4) Readiness of case for trial;
- (5) Any other matters.

(c) Pretrial conferences may include settlement negotiations as provided in Rule 24.5.

(d) All parties are required to participate in good faith in any scheduled pretrial conference.

(e) The pretrial conference must be attended by designated trial counsel who are knowledgeable and prepared for such conference. Should the designated trial counsel fail to appear at the pretrial conference or to comply with this rule, an ex parte hearing may be held and judgment of dismissal or default or other appropriate judgment entered or other sanctions imposed.

(f) In any action, the court may in its discretion also direct the attorneys for the parties to appear before it at any time for a conference to address the status of pretrial issues under JCRCP 16 and JCRCP 16.1.

Rule 24.5. Settlement conferences.

(a) In cases involving either bench trials or jury trials, a settlement conference may be held before the trial judge if the trial judge and all parties agree. Otherwise, a settlement conference shall be set before a judge other than the trial judge.

(b) All parties are required to participate in good faith in any scheduled settlement conference and to send an authorized representative to the conference who has authority to negotiate and settle the case.

Rule 25. Jury instructions.

(a) All proposed jury instructions shall be in clear, legible type on clean, white, heavy paper, 8 1/2 by 11 inches in size, and not lighter than 16-lb. weight with a black border line and no less than 24 numbered lines.

(b) The designation "Instruction No. ____" shall be near the lower right-hand corner of the page.

(c) The original instructions shall not bear any markings identifying the attorney submitting the same and shall not contain any citations of authority, except that such instructions may bear the numerical reference to Nevada Pattern Civil Jury Instructions. No portion thereof shall be in capital letters, underlined, or otherwise emphasized.

(d) Authorities for any instruction must be separate from the original instructions and attached to the original instructions by paper clip, binder clip, or otherwise.

(e) Any rejected instructions (i.e., submitted to the judge, but not delivered to the jury) shall be made a part of the case file as having been proposed.

(f) Proposed jury instructions shall be submitted to the court by delivering the original to the judge's chambers no later than 3 p.m. at least 5 judicial days before trial. Proposed jury instructions shall be personally served upon counsel for the opposing party, if counsel for the opposing party maintains an office in Clark County, on the same day that they are submitted to the court; otherwise, counsel for the opposing party shall be served on the first day of trial. A judge may order jury instructions to be submitted to the court at any other time. Non-stock instructions may be submitted at the close of evidence if the evidence so warrants.

(g) Plaintiff's attorney shall prepare the stock instructions.

(h) Jury instructions shall comply in all other respects with JCRCP 51.

Rule 26. Copies of filed papers to all parties. It is the responsibility of the submitting party to ensure that copies of all filed papers are served upon all opposing parties.

Rule 27. Claim of exempt property. A claim that property is exempt from execution or attachment shall be presented to the court by affidavit or unsworn declaration filed and served in the action out of which the writ of execution or attachment issued. The affidavit or unsworn declaration may be accompanied by all documents relied upon by the party claiming the exemption. Such affidavits or unsworn declarations shall be handled as are motions under these rules, except that, on good cause shown, the time for submission or argument regarding the affidavit or unsworn declaration may be shortened.

Rule 28. Ex parte orders. No proposed ex parte order shall be presented to a judge for signing before the case has been filed with the filing office, given a case number, and assigned to a department.

Rule 29. Sanctions for noncompliance. If a party or an attorney fails or refuses to comply with these rules, the court may make such orders and impose such sanctions as are just, including but not limited to the following:

(a) Holding the disobedient party or attorney in contempt of court.

(b) Continuing any hearing until the disobedient party or attorney has complied with the requirements imposed.

(c) Requiring the disobedient party to pay the other party's expenses, including reasonable attorney fees incurred in preparing for and attending necessary hearings caused by the noncompliance.

(d) Entering any order authorized by JCRCP 37.

Rule 30. Appearances; substitutions; withdrawal or change of attorneys.

(a) When a party has appeared by counsel, that individual cannot thereafter appear on his or her own behalf in the case without the consent of the court. Counsel who has appeared for any party shall represent that party in the case and shall be recognized by the court and by all parties as having control of the client's case, until counsel properly withdraws upon written motion granted pursuant to paragraph (b) of this rule, another attorney is substituted, or counsel is discharged by the client in writing, filed with the filing office, in accordance with Supreme Court Rule (SCR) 46 and this rule. The court in its discretion may hear a party in open court although the party is represented by counsel.

(b) Counsel in any case may be withdrawn or changed:

(1) When a new attorney is to be substituted in place of the attorney withdrawing, by the written consent of both attorneys and the client, all of which shall be filed with the court and served upon all parties or their attorneys who have appeared in the action; or

(2) By order of the court, upon motion and notice as provided in these rules, when no attorney has been retained to replace the attorney withdrawing.

(A) If such motion is made by the attorney, counsel shall include in an affidavit or unsworn declaration the telephone number and

address, or last known address, at which the client may be served with notice of further proceedings taken in the case in the event the application for withdrawal is granted, along with an itemized list of upcoming deadlines and court hearing dates, and counsel shall serve a copy of such motion and supporting papers upon the client and all other parties to the action or their attorneys; or

(B) If such motion is made by the client, the client shall state therein the address at which the client may be served with notice of all further proceedings in the case in the event the application is granted, along with his or her telephone number, and shall serve a copy of the application upon the attorney and all other parties to the action or their attorneys.

(c) Any order permitting withdrawal of an attorney submitted to the court for signature shall contain the telephone number and address at which the party is to be served with notice of all further proceedings.

(d) Except for good cause shown, no application for withdrawal or substitution shall be granted if a delay of the trial or of the hearing of any other matter in the case would result. Discharge of an attorney may not be grounds to delay a trial or other hearing.

(e) When an attorney or law firm intends to withdraw or substitute in place of another attorney or law firm, and the proposed withdrawal or substitution will affect multiple cases, the withdrawal or substitution can be requested as follows:

(1) One motion to withdraw or substitute can be filed for review by the chief judge or a designee of the chief judge.

(2) That motion must include an exhibit that sets forth:

(A) The names of the parties; and

(B) The case numbers for the affected cases.

(3) The chief judge or a designee of the chief judge may grant the withdrawal or substitution that will apply in the affected cases. If the withdrawal or substitution is granted, a copy of the order must be placed in the record of the affected cases.

Rule 31. Orders for issuance of warrants and writs.

(a) Civil bench warrants, writs of restitution, and writs of possession must be accompanied by an order for issuance.

(b) When a person is taken into custody on a civil bench warrant, the following rules apply:

(1) If the person posts a bond to secure his release, the person must be given a date and time to return to court as part of the release process; and

(2) If the person does not post bond to secure his release, the person must be scheduled for a court hearing.

Rule 32. Reserved.

Rule 33. Default judgment.

(a) An application for a judgment by default, irrespective of the amount of the proposed judgment, must be made upon affidavit or unsworn declaration unless the court specifically requests the presentation of oral testimony. Supporting affidavits or unsworn declarations must be made on personal knowledge, not by the attorney representing the plaintiff, and shall set forth such facts as would be admissible in evidence, show affirmatively that the affiant or declarant is competent to testify to the matters stated therein, and avoid mere general conclusions or argument. An affidavit or unsworn declaration substantially defective in these respects may be stricken, wholly or

in part, and the court may decline to consider the application for the default judgment. The application for a judgment by default must include a verified memorandum of costs and disbursements either in the body of the application or as an exhibit attached to the application.

(b) Applications for default judgments are to be submitted in a complete package and must contain the following additional documents:

- (1) Default judgment for the signature of the judge or clerk;
- (2) Default (to be signed by a deputy clerk); and
- (3) Proof of service of the summons and complaint, if not previously filed.

(4) In actions arising under NRS Chapter 604A, a declaration under penalty of perjury that the applicant has complied with the requirements of that chapter.

Any submittal of a partial default package will be considered incomplete and will be returned to the submitting party for completion.

Rule 34. Summary evictions.

(a) If a tenant has filed an answer in response to a notice, the court will not schedule a hearing on the summary eviction until the complaint is on file with the court.

(b) Upon the filing of the complaint:

(1) If the tenant has filed a timely answer, a hearing on the summary eviction will be set. This hearing will be set within 1 week of the filing of the complaint or at such other time convenient to the court. The court will mail a notice of hearing to all applicable parties.

(2) If the tenant has not filed a timely answer, the court will process the complaint as a “straight summary eviction” with no hearing scheduled.

(c) A tenant must file an answer to a notice within the time required by law.

(d) When a timely answer is filed, the answer will be processed at the clerk’s office and held in a “30-day file” until such time as the complaint is filed by the landlord. An answer filed with the court will expire and will not be processed more than 30 days after the expiration of the applicable notice period.

(e) If a complaint is not filed within 30 days after the expiration of the applicable notice period, the notice will be deemed to be expired, and a new notice will be required before the landlord can proceed with a summary eviction.

(f) All summary eviction paperwork must comply with the following requirements:

(1) *Notice issued to tenant.*

(A) Notices must be typed or clearly legible.

(B) Notices may not be altered in any way.

(C) Notices must advise the tenant that the Henderson Justice Court has jurisdiction over the matter. Notices that merely refer to “the justice of the peace,” or “Clark County Courthouse,” or some other nonspecific designation will not be valid.

(D) If a landlord has issued more than 1 notice to the tenant within 1 rental period, and the tenant has filed an answer with respect to any of those notices, the court may consolidate for hearing all pending notices and answers.

(2) *Landlord filing.*

(A) The complaint may not be filed prior to the expiration of the applicable notice period.

(B) In conjunction with the complaint, the landlord must also file:

(i) A copy of the applicable notices;

(ii) An original affidavit of service; and

(iii) Where required by law, a legible certificate of mailing that contains the complete address of the tenant and a legible postmark from the United States Post Office. (A postage meter or private mail service will not be accepted.) If the certificate of mailing is less than 8 1/2 by 11 inches, it must be mounted on 8 1/2 by 11-inch paper. No alterations to the certificate of mailing can be made, or the complaint will be rejected as an incomplete filing.

(C) The landlord shall pay the requisite filing fees.

(3) *Tenant answer.*

(A) The tenant must pay the requisite filing fee or include a written In Forma Pauperis request.

(B) The answer must include a copy of the original notice unless the tenant signs an unsworn declaration to indicate that the notice has been lost or destroyed.

(g) Unless otherwise ordered by the court, an order for summary eviction shall expire 30 days after the order is issued. Such expiration must be conspicuously stated on the order for summary eviction.

(h) As used in this rule, "complaint" means an Affidavit of Complaint for Summary Eviction.

Rule 35. In Forma Pauperis.

(a) All In Forma Pauperis (IFP) requests must be approved by a judge before the related filings will be processed by the court.

(b) If an IFP request is denied, and the requesting party provides a telephone number and/or email address on the IFP request, the court will call or email the requesting party to inform the party of the ruling and to request payment of the filing fees if that party desires to proceed. The party must pay the applicable fees within 24 hours following the telephone call by the court (excluding non-judicial days). If the requesting party fails to provide the court with a telephone number on the IFP request, the fees must be paid no later 24 hours following the court's denial of the IFP request (excluding non-judicial days).

(c) If the IFP request is approved, the related documents will be processed as if the appropriate fees had been paid.

(d) Unless the judicial order granting the IFP request explicitly states otherwise:

(1) A granted IFP request only applies to the one related action in justice court; and

(2) A granted IFP request only applies to court costs and fees and does not waive bond requirements, security requirements, or court reporter compensation (including transcript costs).

(e) In accordance with NRS 12.015, if a Statement of Legal Aid Representation is submitted, the fees set forth in NRS 12.015 will be deemed automatically waived in the Henderson Justice Court without the need for a court order in individual cases. The Statement of Legal Aid Representation may only be filed by a "client of a program for legal aid" as defined in NRS

12.015, or that client's attorney, and must indicate the specific entity that is providing legal assistance to the indigent party.

(f) IFP requests for summary eviction cases shall be governed by the provisions of Rule 43.

Rule 36. Representation by law students in all justice court cases. Pursuant to SCR 49.3, a law student may not appear in court on behalf of a client unless the following conditions are satisfied in open court:

(a) The law student must provide a copy of the Nevada Supreme Court's "Order of Certification for Limited Supervised Practice." The order must grant to the law student the privilege of entering the limited practice of law under level 2 certification.

(b) The law student must provide a copy of the written consent of the client.

(c) The law student must provide a copy of the written consent of the attorney who will be approving and supervising the law student.

If all these conditions are satisfied, the law student will be allowed to appear on behalf of a client and the forms enumerated above will be placed in the corresponding case file.

Rule 37. Service of documents upon the court.

(a) Except as provided in subsection (b), documents must be filed with the court in person or by regular mail. Documents will not be deemed "filed" if they are faxed or emailed to the court.

(b) The following documents may be faxed to the court:

(1) A motion or request to take a case off calendar;

(2) An acknowledgment of satisfaction of judgment; or

(3) Any document for which the court has issued a written order granting permission to file by fax.

(c) This rule applies to the following:

(1) Civil cases;

(2) Small claims cases;

(3) Summary eviction cases; and

(4) Actions for the issuance of orders for protection under NRS Chapter 33 or NRS Chapter 200.

Rule 38. Stipulations. A written stipulation between the parties must bear the original signature of each stipulating party, either on 1 form or on multiple forms, and the corresponding date when that signature was affixed.

Rule 39. Jury trials. Upon the filing of a demand for a jury trial, a scheduling order setting forth the applicable deadlines in the case shall be issued when the case is set for jury trial.

Rule 40. Motions to stay in eviction cases.

(a) A tenant in an eviction case may only file 1 motion to stay or 1 motion to vacate per case, on a form approved by the court.

(b) Upon the filing of a motion to stay under subsection (a), any pending eviction order shall be stayed until further order of the court.

(c) A motion to stay will be reviewed by the court as soon as practicable.

(d) Any hearing on a motion to stay must be scheduled within 7 judicial days from the date the motion is approved for hearing.

(e) If a motion to stay is set for hearing, the landlord may file a written opposition to the motion.

(f) If a tenant has already appeared before a judge for a hearing on the eviction, no motion to stay by that tenant will be accepted for filing, unless the tenant alleges that he has fully complied with an applicable order of the court.

(g) As used in this section, “eviction action” means:

(1) A summary eviction action pursuant to NRS 40.253, NRS 40.254, or NRS 40.2542(1); or

(2) A formal civil eviction pursuant to NRS 40.290 to 40.420, inclusive.

Rule 41. Dismissal without prejudice.

(a) Any civil case that has been pending for more than 2 years and in which it appears from the court record that no action has been taken for more than 6 months may be dismissed, on the court’s own initiative, without prejudice. Written notice of entry of a dismissal pursuant to this rule shall be forthwith given to each party that has appeared in the action.

(b) No case that has been set for trial shall be subject to the provisions of this rule.

Rule 42. Orders for protection.

(a) In an action for an order for protection, the following documents must be served pursuant to JCRCP 4(d):

(1) A notice of hearing where the court will consider whether an extended order for protection should be issued; and

(2) All orders issued by the court.

(b) Notwithstanding the provisions of subsection (a):

(1) An order for protection may not be served by leaving copies thereof at the adverse party's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein;

(2) Any document that is required to be served upon a minor under the age of 14 years, residing within this state, must also be served upon 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; and

(3) If the court intends to conduct a hearing to consider only whether a temporary order for protection should be issued, no notice to the adverse party is required. However, if the court elects to notify the adverse party of the hearing, a notice of hearing may be sent by regular mail.

(c) All documents other than those set forth in subsection (a) may be served as provided in JCRCP 5.

(d) If multiple protection order cases have been filed by the same applicant against the same adverse party, the current filing will be tracked to the judicial department that corresponds to the case with the lowest case number. If there are no prior protection order cases involving the same applicant against the same adverse party, the case will be randomly assigned.

(e) As used in this section, "an order for protection" refers to an order for protection issued pursuant to NRS Chapter 33 or NRS Chapter 200.

Rule 43. In Forma Pauperis requests in summary eviction cases. In summary eviction cases, the following procedures for processing In Forma Pauperis (IFP) requests by tenants shall apply:

(a) All IFP requests must be approved by a judge before the related filings will be processed by the court.

(b) Where the applicant fails to qualify for in forma pauperis status, the party's proposed document must be rejected by the court for failure to include the filing fee. The clerk must notify the party of the reason for the rejection in an expeditious manner in order to afford the party an opportunity to timely resubmit the document along with the required filing fee. A party who fails to qualify for in forma pauperis status is responsible for meeting all statutory filing deadlines.

(c) If an IFP request is approved under this rule, the related documents will be processed as if the appropriate fees had been paid.

(d) Unless the judicial order granting the IFP request explicitly states otherwise:

(1) A granted IFP request only applies to the one related action in justice court; and

(2) A granted IFP request only applies to court costs and fees and does not waive bond requirements, security requirements, or other court reporter compensation (including transcript costs).

(e) In accordance with NRS 12.015, if a Statement of Legal Aid Representation is submitted, the fees set forth in NRS 12.015 will be deemed automatically waived in the Henderson Justice Court without the need for a court order in individual cases. The Statement of Legal Aid Representation may only be filed by a "client of a program for legal aid" as defined in NRS 12.015, or that client's attorney, and must indicate the specific entity that is providing legal assistance to the indigent party.

Rule 43.5. Bonds for temporary writs of restitution.

(a) When a plaintiff has filed a bond pursuant to NRS 40.300, the court will automatically return that bond to the posting party if the plaintiff

voluntarily dismisses the case under JCRCPC 41(a), or after the case has proceeded to a judgment in the plaintiff's favor. A plaintiff shall not voluntarily dismiss a case within 30 days following execution of any writ of restitution.

(b) In the event that the case proceeds to a judgment in the defendant's favor, the defendant may file a motion to recover under the bond. Such a motion must be filed within 10 judicial days of the date that the judgment is entered. If the defendant fails to file a timely motion to recover under the bond, the court will automatically return that bond to the posting party.

Rule 44. Rent deposits relating to claims of uninhabitability under NRS 118A.355.

(a) In an eviction action, if the tenant proceeds under NRS 118A.355 and raises a claim of uninhabitability relating to his dwelling unit, the tenant may not raise as a defense that the tenant is entitled to withhold rent under NRS 118A.355 unless the tenant deposits the withheld rent into an escrow account maintained by the Henderson Justice Court in accordance with this rule. The deposit may be paid by cash, money order, cashier's check, debit card, MasterCard, Discover, or Visa. Deposits may not be paid by personal check.

(b) At the time that the tenant files an answer to the eviction action, the tenant must indicate in the answer that the tenant has withheld rent pursuant to NRS 118A.355, and the tenant must deposit the current accrued withheld rent with the Henderson Justice Court.

(c) If the tenant fails to make the deposit required by this rule, the tenant does not have a defense under NRS 118A.355.

(d) Prior to the hearing on an eviction action, a landlord may file a written opposition that explains why the tenant is not entitled to withhold rent pursuant to NRS 118A.355.

(e) When the eviction action proceeds to a hearing, the court may order:

(1) The withheld rent to be returned to the tenant;

(2) The withheld rent to be forwarded to the landlord; or

(3) Any distribution of the withheld rent that is just and equitable under the circumstances.

(f) If a tenant files a motion to stay or a motion to vacate, either before or after the issuance of an order for summary eviction, and in lieu of an answer, the tenant must still make the deposit required by this rule in order to raise a defense under NRS 118A.355.

(g) A tenant may not withhold rent under NRS 118A.355:

(1) For a condition caused by his own deliberate or negligent act or omission or that of a member of his household or other person on the premises with his consent;

(2) If the landlord adequately remedies the failure or uses his best efforts to remedy the failure within 14 days after receipt of the notice required pursuant to NRS 118A.355;

(3) If the landlord's inability to adequately remedy the uninhabitability issue or use his best efforts to remedy the failure within 14 days is due to the tenant's refusal to allow lawful access to the dwelling unit as required by the rental agreement or by NRS Chapter 118A; or

(4) If the tenant has not fully complied with NRS 118A.355.

(h) This rule does not apply to rent that is withheld under NRS 118A.380 for a landlord's failure to supply essential services.

(i) As used in this section, unless the context otherwise requires:

(1) "Dwelling unit" has the meaning ascribed to it in NRS 118A.080.

(2) "Eviction action" means:

(A) A summary eviction action pursuant to NRS 40.253 or NRS 40.254; or

(B) A formal civil eviction pursuant to NRS 40.290 to 40.420, inclusive.

(3) “Uninhabitability” has the meaning ascribed to it in NRS 118A.290.

Rule 45. Documents containing personal information.

(a) Except as otherwise provided by law or court order, a person shall not include any personal information about a person on any document that is recorded, filed, or otherwise submitted to the court.

(b) The court may require a person who records, files, or otherwise submits any document to the court to provide an affirmation that the document does not contain personal information about any person or, if the document contains any such personal information, identification of the specific law, public program, or grant that requires the inclusion of the personal information. The court may refuse to record, file, or otherwise accept a document that does not contain such an affirmation when required or any document that contains personal information about a person that is not required to be included in the document pursuant to a specific state or federal law for the administration of a public program or for an application for a federal or state grant. The court may also require the filing party to perform any necessary redactions before a document will be accepted by the court.

(c) As used in this section, “personal information” has the meaning ascribed to it in NRS 603A.040.

Rule 46. Appeals.

(a) Neither filing fees nor bonds may be paid by personal check on an appeal from a civil case, a small claims case, or a case involving an order for protection pursuant to NRS Chapter 33 or NRS Chapter 200.

(b) The filing of a notice of appeal divests the justice court of jurisdiction except when a party files one of the following motions:

- (1) A motion for costs and attorney fees;
- (2) A motion to reconsider;
- (3) A motion to contest the amount or sufficiency of a bond;
- (4) A motion to set the amount of a bond;
- (5) A motion to stay; or
- (6) A motion to release a tenant's property.

(c) Motions to dismiss an appeal must be ruled upon by the district court as part of the appeal process.

Rule 47. Reserved.

Rule 48. Small claims cases.

(a) Prior to filing a Small Claims Affidavit of Complaint, the plaintiff must do the following:

(1) Send a demand letter, return receipt requested, to the defendant. The demand letter must instruct the defendant to pay the amount due within 10 days of the date that the letter is sent, or else the plaintiff will file a small claims case against the defendant.

(2) Wait at least 15 days from the date the demand letter is sent before filing a small claims case against the defendant.

(3) File a copy of the demand letter along with the return receipt at the time the small claims case is filed against the defendant.

(b) Failure of the plaintiff to:

- (1) File a copy of the demand letter;
- (2) File a copy of the proof of mailing; or
- (3) Comply with subsection (a) in any other respects,

is cause for the judge to dismiss the small claims case or to impose any other sanctions deemed appropriate.

(c) The Small Claims Affidavit of Complaint must substantially comply with JCRCP 89.

(d) Documents sent by mail will not be returned to the sending party if:

- (1) The documents do not include an original and at least 1 copy;

or

- (2) The documents do not include a self-addressed, stamped

envelope.

Rule 49. Bankruptcy. Whenever a party in a pending civil action files a federal bankruptcy proceeding entitling the party to an automatic stay, said party shall file written notice thereof in the Henderson Justice Court within 10 days of the federal bankruptcy filing. The notice shall contain the caption and case number of the pending justice court action and include a photocopy of the face sheet of the bankruptcy petition certified by the clerk of the bankruptcy court and showing the filing number and filing date.

Rule 50. Filings that may be rejected. The court may reject filings that:

- (a) Do not include the appropriate filing fee;
- (b) Do not contain original signatures where required;
- (c) Are writs or other documents that include incorrect calculations;

- (d) Are filed in the wrong jurisdiction; and
- (e) Are submitted by a landlord who has alleged the existence of a written lease but who has not included a copy of that lease as an exhibit.

Rule 51. Reserved.

Rule 52. Renewals.

(a) When renewal of a judgment is sought pursuant to NRS 17.214, the party seeking the renewal must file a copy of the judgment proposed to be renewed. The copy of the judgment must be submitted at the time that the affidavit of renewal is filed under NRS 17.214.

(b) The court may charge a filing fee related to the processing of the renewal request.

Rule 53. Notices required by the court.

(a) The chief judge may, by administrative order, require summonses, eviction notices, and any other documents specified by the chief judge to include the following:

(1) Information about available self-help centers within the community;

(2) Information about local legal aid organizations;

(3) Citations to specific statutes, court rules, or cases that apply to the given document; or

(4) Any other information deemed relevant and helpful to the recipient of the document.

(b) The chief judge may, by administrative order, mandate that summonses, eviction notices, and any other documents specified by the chief judge must be in a standardized format as set forth by the chief judge.