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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN THE FOR THE COUNTY OF WASHOE

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9 IN THE ADMINISTRATIVE MATTER OF:

10 THE ASSIGNMENT AND RULES GOVERNING  
11 PETITIONS FOR JUDICIAL REVIEW IN  
12 FORECLOSURE MEDIATION CASES IN THE  
13 SECOND JUDICIAL DISTRICT COURT

14 ADMINISTRATIVE ORDER 09-05

15 WHEREAS, the Nevada Supreme Court issued an Order Adopting Foreclosure  
16 Mediation Rules in ADKT 435 on June 30, 2009, which have been amended September  
17 28, 2009, and November 4, 2009;

18 WHEREAS, the Nevada Supreme Court ordered that the Foreclosure Mediation  
19 Rules shall be in effect on July 31, 2009. The Foreclosure Mediation Rule 5(7)(f)  
20 provides:

- 21 (f) A party to the mediation may file a petition for judicial review with  
22 the district court in the county where the notice of default was  
23 properly recorded seeking a determination of bad faith participation  
24 and sanctions pursuant to NRS Chapter 107 as amended. All such  
25 petitions shall be reviewed by the district court in accordance with  
26 Nevada Rules of Civil Procedure and NRS Chapter 107.

27 WHEREAS, the Second Judicial District Court Rule 2(6) provides that the chief  
28 judge shall supervise case flow management.

1           WHEREAS, the assignment of all Petitions for Judicial Review of Foreclosure  
2 Mediations to one district judge in the general jurisdiction division will allow for priority  
3 calendaring and hearing of these petitions thus being an efficient management decision  
4 for the court;

5           WHEREAS, the Judges of the Second Judicial District Court have established a  
6 Rules Committee that has not finalized the application to the Nevada Supreme Court for  
7 a set of local rules governing the handling of Petitions for Judicial Review of  
8 Foreclosure Mediations the Court has, however, drafted such rules;

9           WHEREAS, the one (1) judge assignment and the timely administration of  
10 Petitions for Judicial Review of Foreclosure Mediations seeking a determination of bad  
11 faith participation and sanctions pursuant to NRS Chapter 107 requires the entry of this  
12 administrative order to guide the management of these petitions pending an application  
13 for amendment of the local rule of practice for the Second Judicial District Court;

14           **IT IS HEREBY ORDERED:**

15           1.       That the Honorable Patrick Flanagan, Department 7, shall hear all  
16 Petitions for Judicial Review of Foreclosure Mediations seeking a determination of bad  
17 faith participation and sanctions pursuant to NRS Chapter 107 and the Nevada Rules of  
18 Civil Procedure for as long as the chief judge determines that the interests of the district  
19 court are promoted by the use of one docket assignment for these cases.

20           2.       That Petitions for Judicial Review pursuant to the Supreme Court  
21 Foreclosure Mediation Rules, as amended, and NRS Chapter 107, as amended, for the  
22 Second Judicial District Court shall be as follows:

23                   (a) A petitioner seeking judicial review under authority of NRS 107 must file  
24 and serve a Petition for Judicial Review with accompanying memorandum of points and  
25 authorities, if desired, in support thereof within 15 calendar days after the conclusion of  
26 the mediation process.

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1 (b) The petitioner must cause the statement of mediation proceeding to be  
2 transmitted to the District Court and served on respondent within 10 calendar days of  
3 the filing of the petition for judicial review.

4 (c) The respondent must file and serve an answer with accompanying  
5 memorandum of points and authorities, if desired, in opposition to the petition for  
6 judicial review within 10 calendar days after service of the statement of mediation  
7 proceeding.

8 (d) Petitioner may file and serve reply points and authorities, if desired, not  
9 later than 5 calendar days after service of respondent's opposition.

10 (e) Following the filing of the petition seeking judicial review, if the Court  
11 determines that good cause is shown for the issuance of sanctions, the Court may  
12 issue an order scheduling an evidentiary hearing to show cause why the respondent  
13 should not be sanctioned as provided for in Chapter 107 and the Foreclosure Mediation  
14 Rules adopted by the Supreme Court.

15 (f) After petitioner's time to reply has expired, if a pre-evidentiary status  
16 conference has not already been set, either party may file and serve a notice to set  
17 which is not less than 5 days from the date the notice is filed and served in order to set  
18 a hearing on the petition.

19 (g) All memoranda of points and authorities filed in proceedings involving  
20 petitions for judicial review must be in the form provided for appellate briefs in Rule 28  
21 of the Nevada Rules of Appellate Procedure.

22 (h) Upon completion of the evidentiary hearing the court shall issue findings  
23 of fact and conclusions of law within 5 calendar days.

24 (i) Continuances or extensions may be granted upon stipulation or good  
25 cause shown.

26 (j) The statement of the mediator made in connection with these  
27 proceedings is admissible without the necessity of any additional foundation or  
28 testimony of the mediator.

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3. This Administrative Order shall be in effect until December 31, 2011, or until specifically modified or rescinded by subsequent Administrative Order.

DATED this 16 day of November, 2009.

*Connie J. Steinheimer*  
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CHIEF DISTRICT JUDGE  
CONNIE J. STEINHEIMER