

**EX PARTE EMERGENCY
MOTION
GENERAL USE**

E-2

Resource Center
1 South Sierra St., Third Floor
Reno, NV 89501
775-325-6731
www.washoecourts.com

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**EX PARTE EMERGENCY MOTION
GENERAL USE**

PACKET E-2

INSTRUCTIONS FOR COMPLETING FORMS

CAREFULLY READ ALL INSTRUCTIONS BEFORE STARTING TO FILL OUT
ANY OF THE FORMS

Use **black or blue ink only**. Neatly print the information requested.

Do not use correction fluid/ tape on the forms.

This packet contains the following forms:

1. Ex Parte Emergency Motion
2. Exhibit Index and Exhibit Sheet
3. Request for Submission

The penalty for willfully making a false statement under penalty of perjury is a minimum of 1 year, and a maximum of 4 years in prison, in addition to a fine of not more than \$5,000.00. N.R.S. §199.145.

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Second Judicial District Court Rule 43

Rule 43. Ex parte orders within the family division.

1. Reasonable notice.
 - (a) Except as set forth below, the party requesting an ex parte order shall give reasonable notice to the opposing party, or his or her counsel.
 - (b) Reasonable notice includes the date, time and place the request will be made.
 - (c) Reasonable notice must afford the opposing party 24 hours within which the application may be opposed.

2. Notice exceptions.
 - (a) A party is excused from giving such notice where notice would frustrate the very purpose of the order or cause the party or child to suffer immediate and irreparable injury.
 - (b) Ex parte orders may be obtained without notice in the following circumstances:
 - (1) Where the order mutually restrains the parties from transferring, encumbering, hypothecating, concealing or in any way disposing of any property, real or personal, whether community or separate, except in the usual course of business or for the necessities of life;
 - (2) Where the order mutually restrains the parties from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance coverage, including life, health, automobile, and disability coverage;
 - (3) Where the order mutually restrains the parties from cashing, borrowing against, canceling, transferring, disposing of retirement benefits or pension plans for the benefit (or election for benefit) of the parties or their minor child or children;
 - (4) Where a child's health and safety is in danger; or
 - (5) Where such other circumstances exist as the court may find to warrant the issuance of an order without notice.

3. Automatic hearing.
 - (a) No hearing shall be held on an ex parte order entered under subsections 2(b)(1), (2) and (3) herein above.
 - (b) All other ex parte orders shall be heard within 14 days of their entry.
 - (c) The hearing date shall be stated in the ex parte order.
 - (d) This rule shall not apply to temporary orders for protection against domestic violence. [Amended; effective January 1, 2020.]

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INSTRUCTIONS: STEP 1

Complete the Ex Parte Emergency Motion as Shown:

If you have documents that support this ex parte motion, you will need to attach them as exhibits to this form following INSTRUCTIONS: STEP 2.

1) Print your name, address, telephone number, and email address.

2) Print the names of the parties, the Case No., and the Dept. No. just as they appear on all other documents in this case.

3) Complete the rest of pages 1-4, following the instructions on each page.

| | |
|----|--|
| 1 | Code: 1670 |
| 2 | Name: _____ |
| 3 | Address: _____ |
| 4 | Telephone: _____ |
| 5 | Email: _____ |
| 6 | Self-Represented Litigant |
| 7 | IN THE FAMILY DIVISION |
| 8 | OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA |
| 9 | IN AND FOR THE COUNTY OF WASHOE |
| 10 | |
| 11 | _____ vs. _____ |
| 12 | Petitioner, Case No. _____ |
| 13 | Respondent, Dept. No. _____ |
| 14 | |
| 15 | <u>EX PARTE EMERGENCY MOTION REGARDING CHILDREN</u> |
| 16 | |
| 17 | MOTION TO _____ |
| 18 | (Fill in the name of this motion) |
| 19 | _____, appearing in Proper Person, hereby move this |
| 20 | (Your name) |
| 21 | Court to issue an emergency order, without notice to _____ |
| 22 | (The Other Party's name) |
| 23 | granting the following: |
| 24 | <i>State only what you want the court to order. Do not explain why you want the order issued or why you believe the other party should not have notice of this motion. Those reasons will be filled in on the next page.</i> |
| 25 | _____ |
| 26 | _____ |
| 27 | _____ |
| 28 | _____ |
| | REV 8/2010 AA 1 E1 EX PARTE MOTION |

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INSTRUCTIONS: STEP 2

Complete the Index of Exhibits and the Exhibit Cover Page as Shown:

To attach documents in support of your Ex Parte Emergency Motion you will need an Exhibit Index and Exhibit Cover Page(s). If you do not have any exhibits skip this step and continue with INSTRUCTIONS: STEP 3.

1) For each exhibit you are attaching you must print:

- a) An exhibit number, starting with 1,
- b) The number of pages in the exhibit, and
- c) A description of the exhibit.

2) For each exhibit, you must fill out an Exhibit Cover Page with the exhibit number listed on the Index of Exhibits.

3) The documents should be in the following order:

- the Ex Parte Emergency Motion
- the Index of Exhibits
- the Exhibit Cover Page
- the exhibit
- the Exhibit Cover Page
- the exhibit, and so on.

INDEX OF EXHIBITS

| | |
|---------------------------|-----------------------|
| Exhibit Number _____ | Number of Pages _____ |
| Exhibit Description _____ | |
| Exhibit Number _____ | Number of Pages _____ |
| Exhibit Description _____ | |
| Exhibit Number _____ | Number of Pages _____ |
| Exhibit Description _____ | |
| Exhibit Number _____ | Number of Pages _____ |
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| Exhibit Description _____ | |
| Exhibit Number _____ | Number of Pages _____ |
| Exhibit Description _____ | |
| Exhibit Number _____ | Number of Pages _____ |
| Exhibit Description _____ | |

Exhibit Cover Page

EXHIBIT NUMBER _____

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INSTRUCTIONS: STEP 3

Complete the Request for Submission as Shown:

1) Print your name, address, telephone number, and email address.

2) Print the names of the parties, the Case No., and the Dept. No. just as they appear on all other documents in this case.

3) Print the date you filed the Ex Parte Motion with the Court.

4) Date, sign, and print your name.

| | |
|----|---|
| 1 | Code: 3860 |
| 2 | Name: _____ |
| 3 | Address: _____ |
| 4 | Telephone: _____ |
| 5 | Email: _____ |
| 6 | Self-Represented Litigant |
| 7 | |
| 8 | IN THE FAMILY DIVISION |
| 9 | OF THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA |
| 10 | IN AND FOR THE COUNTY OF WASHOE |
| 11 | |
| 12 | _____ Plaintiff/Petitioner/ Joint Petitioner, Case No. _____ |
| 13 | vs. Dept. No. _____ |
| 14 | |
| 15 | _____ Defendant/Respondent/ Joint Petitioner. |
| 16 | |
| 17 | |
| 18 | <u>REQUEST FOR SUBMISSION</u> |
| 19 | |
| 20 | I request that the EX PARTE EMERGENCY MOTION that was filed on |
| 21 | _____ be submitted to the Court for decision. |
| 22 | (Date the document was filed with the Court) |
| 23 | This document does not contain the personal information of any person as defined by NRS |
| 24 | 603A.040. |
| 25 | Date: _____ Your Signature: _____ |
| 26 | |
| 27 | Print Your Name: _____ |
| 28 | |
| | REV 03/2018 JDB |
| | 1 |
| | E2 REQUEST FOR SUBMISSION |

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INSTRUCTIONS: STEP 4

Electronically Filing the Documents

You will need to upload the original documents to eFlex. EFlex is available online at <https://wcefex.washoecourts.com/>, at the Law Library and the Resource Center.

Sign into your eFlex account using the username and password you created and electronically file the:

- Ex Parte Motion;
- Any Exhibits; and
- Request for Submission.

Make sure to keep the original documents you file for your personal records. File-stamped copies of your documents are available through your eFlex account.

Scanners are available at the Law Library and the Resource Center.

There may be a filing fee charged when documents are filed. Fee information is available at the Resource Center and online at: www.washoecourts.com.

FILING FEE WAIVERS

If you cannot afford the filing fee, you may apply to have your filing fee waived. To apply, you must fill out and file the application found in the **Application for Waiver of Fees and Costs packet**, which may be obtained at the following locations:

- Resource Center, 1 South Sierra Street, Reno, NV, Third Floor
- Law Library, 75 Court Street, Reno, NV, First Floor
- Online at: www.washoecourts.com (select the “Forms and Packets” tab on the right-hand side of the home screen)

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NOW WHAT HAPPENS?

You are not required to serve this document on the other party until an order has been issued; however, if the other party has signed up for electronic filing they will be notified as soon as you file the documents.

The judge will issue an order approving, denying, or setting your ex parte motion for a hearing. All orders can be reviewed and printed from your eFlex account. Follow any orders regarding service of the other party.

Legal Assistance

The information in this packet is provided as a courtesy only. This packet is not a substitute for the advice of an attorney. Counsel is always recommended for legal matters.

If you do not have an attorney, you are encouraged to seek the advice of a licensed attorney or contact the Resource Center. **The Resource Center cannot give legal advice** but can give information regarding court procedures.

You may also wish to speak with a family law lawyer at no cost through the Law Library's "Lawyer in the Library" program, or to seek assistance from other free or reduced-cost legal resources in the area, to include:

LAWYER IN THE LIBRARY

For information contact the Law Library at 775-328-3250.

<https://www.washoecourts.com/LawLibrary>

NEVADA LEGAL SERVICES

204 Marsh Avenue Reno, NV 89509
(775) 284-3491– leave message if necessary
<http://nlslaw.net>

WASHOE LEGAL SERVICES

299 S. Arlington Avenue Reno, NV 89501
(775) 329-2727– leave message if necessary
<http://www.washoelegalservices.org>