

EX PARTE MOTION NON-EMERGENCY

E-8

Self Help Center
1 South Sierra St., First Floor
Reno, NV 89501
775-325-6731
www.washoecourts.com

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**EX PARTE MOTION
NON-EMERGENCY**

PACKET E-8

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 Motion Non-Emergency
2. Exhibit Index and Exhibit Sheet
3. Request for Submission
4. Proof of Service

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 10 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.

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INSTRUCTIONS: STEP 1

Complete the Ex Parte 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 3.

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 1-3, 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 Plaintiff/Petitioner, Case No. _____
12 vs. Dept. No. _____
13 _____
14 Defendant/Respondent.

15 _____
16 EX PARTE MOTION FOR/TO _____
17 I, _____, acting in Proper Person, hereby move
18 (Your name)
19 this Court, to issue an Order without notice to _____.
20 (The other party's name)
21 This Order should be granted under the provisions of Washoe District Court Rule 43
22 because circumstances exist that warrant the issuance of such an order without notice to the
23 other party. Those circumstances are: _____
24 _____
25 _____
26 _____
27 _____
28 _____

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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 Motion Non-Emergency 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 _____
Exhibit Description _____	
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 _____
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 SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9	IN AND FOR THE COUNTY OF WASHOE
10	
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 MOTION that was filed on _____ (Date the document was filed with the Court)
21	be submitted to the Court for decision.
22	This document does not contain the personal information of any person as defined by NRS
23	603A.040.
24	
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/>, and at the Second Judicial District Court.

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 Second Judicial District Court.

There may be a filing fee charged when documents are filed. Fee information is available at the Filing Office 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:

- Family Division Self Help Center, 1 South Sierra Street, Reno, NV, First Floor
- Filing Office, 75 Court Street, Reno, NV, First Floor
- Protection Order Help Center, 1 South Sierra Street, Reno, NV, Third Floor
- Online at: www.washoecourts.com (select the “Forms and Packets” tab on the right hand side of the home screen)

Once a document has been electronically filed, a Notice of Electronic Filing will be automatically generated and sent to any electronic filers in the case. All electronic filers have agreed to accept the notice as valid and effective service. This replaces the need for paper service.

If the other party has not yet signed up for electronic filing, or you do not know whether the other party is an electronic filer, please contact the Self Help Center. **Additional steps are required to complete service if the other party is not an electronic filer.**

The Notice of Electronic Filing does not replace the Proof of Service (*see* INSTRUCTIONS: STEP 5).

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.

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INSTRUCTIONS: STEP 5

Complete the Proof of Service as Shown:

This form must be completed by the person who serves the documents.

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

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

3) Print the name of the person served, and the date served.

4) Mark the box for how they were served. If serving by personal service, certified mail, or postage prepaid, write the address of where service was made.

5) The person who serves the document(s) must date, sign, and print their name.

1	Code: 3720
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	_____ Plaintiff / Petitioner / Joint Petitioner,
11	vs. Case No. _____
12	Defendant / Respondent / Joint Petitioner. Dept. No. _____
13	<u>PROOF OF SERVICE</u>
14	I served a true and correct copy of EX PARTY MOTION NON-EMERGENCY upon the
15	following people:
16	I. Name: _____ Date: _____
17	By: <input type="checkbox"/> Service by eFlex <input type="checkbox"/> Personal Service
18	<input type="checkbox"/> Certified mail, return receipt attached <input type="checkbox"/> U.S. Mail, postage prepaid
19	<input type="checkbox"/> Other: _____
20	Address where service occurred, if applicable: _____
21	If more room is needed, attach additional sheets.
22	A copy of this Proof of Service has been electronically served, mailed, or personally delivered
23	to all parties or their lawyer.
24	This document does not contain the personal information of any person as defined by
25	NRS 603A.040.
26	Date: _____ Your Signature: _____
27	Print Your Name: _____
28	REV 9/2018 JCB 1 PROOF OF SERVICE

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INSTRUCTIONS: STEP 6

Filing the Proof of Service

After service is completed, you must file the proof of service with the court. See INSTRUCTIONS: STEP 4. There will not be a filing fee for the proof of service.

Without proof of service on the other party, the court may not consider your motion.

NOW WHAT HAPPENS?

Now you wait to hear from the court. The court will file an order addressing your request. 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 visit the Family Division Self Help Center which is located at One South Sierra Street, Reno, NV. The Self Help 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

First Floor (to the left of the filing office) of the courthouse located at:
75 Court Street, Reno, NV.
(775) 328-3250

www.washoecourts.com/lawlib

Tuesday Evenings - Arrive by 4:25 p.m.

Please Note The program is limited to 10 participants each evening.

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>