

NEVADA SHORT TRIAL RULES

(effective July 6, 2000; readopted effective January 1, 2005;
as amended effective April 5, 2008)

I. SCOPE OF RULES

Rule 1. The short trial program

(a) Purpose. The purpose of the short trial program is to expedite civil jury trials through procedures designed to control the length of the trial, including, without limitation, restrictions on discovery, the use of smaller juries, and time limits for presentation of evidence.

(b) Availability of program. The short trial program is mandatory in judicial districts subject to the mandatory arbitration program. In all other judicial districts, establishment of a short trial program is voluntary and the judicial district may adopt local rules implementing all or part of the short trial program.

(c) Applicability of the rules. The Nevada Rules of Evidence and Civil Procedure apply in short trials except as otherwise specified by these rules.

Rule 2. Short trial commissioner.

Each judicial district may appoint a short trial commissioner to administer the short trial program. Any commissioner so appointed has the responsibilities and powers conferred by these rules and by any local rules. The short trial commissioner may be an arbitration commissioner, alternative dispute resolution commissioner, discovery commissioner, special master, or other qualified and licensed Nevada attorney appointed by the court. The appointment shall be made in accordance with local rules. In districts where there is no commissioner, the district court shall, by local rule, designate a person to perform the duties of the commissioner set forth in these rules.

Rule 3. Presiding judge.

A short trial may be conducted by either a district court judge or a pro tempore judge. (Amended 3-6-08, eff. 4-5-08.)

(a) Assignment of presiding judge. No later than 21 days after a case enters the short trial program, the commissioner shall assign a short trial judge to preside over the case. The presiding judge shall be selected by one of the following methods:

(1) By stipulation. The parties, within 15 days from the date a case enters the short trial program, may stipulate to have a particular short trial judge serve as the presiding judge. The judge must be selected from the panel of short trial judges and the judge must consent to the assignment. Except that the parties may also stipulate to have a particular district judge serve as presiding judge, provided that the district judge also consents to serve as such.

(2) Random selection. Absent a timely stipulation under subdivision (a)(1) of this rule, the commissioner shall randomly select the names of 3 judicial panelists and send the same to the parties. Each party may strike one name within

10 days, and the commissioner shall select the judge from the remaining name(s). For purposes of this rule, if several parties are represented by one attorney, they shall be considered as one party.

(Amended 3-6-08, eff. 4-5-08.)

(b) Panel of short trial judges. The commissioner shall maintain a list of judges available to hear short jury trials. The list shall include all qualified pro tempore judges for the judicial district. (Amended 3-6-08, eff. 4-5-08.)

(c) Pro tempore judges. Pro tempore judges shall be selected and trained by a committee comprised of the chief judge of the judicial district or the chief judge's designee, the commissioner, and a representative of the Alternative Dispute resolution (ADR) Committee of the State Bar of Nevada. The selection committee shall seek to create a diverse group of qualified pro tempore judges. A pro tempore judge may be added to or removed from the panel of short trial judges pursuant to procedures adopted by each of the district courts. A pro tempore judge shall, however, meet the following minimum qualifications:

- (1) Be an active member of the State Bar of Nevada;
- (2) Have the equivalent of 10 years of civil trial experience or, in the alternative, be a retired jurist, or presently acting short trial pro tempore judge with a civil background;
- (3) Fulfill at least 3 hours of accredited continuing legal education annually as deemed appropriate by the commissioner. Failure to do so may constitute grounds for temporary suspension or removal from the panel of short trial judges.

(d) Authority. While presiding over a case that is in the short trial program, the pro tempore judge shall have all the powers and authority of a district court judge except with respect to the final judgment.

(1) Not later than 10 days after the rendering of a jury verdict in a jury trial or upon a decision by the presiding judge in a trial to the bench, the judge pro tempore shall submit to the district court judge to whom the case is assigned a proposed judgment.

(2) The judge pro tempore shall provide written notice of the proposed judgment to the parties.

(3) After reviewing the proposed judgment and any objection to the proposed judgment, the district court shall:

- (A) Approve the proposed judgment, in whole or in part; or
- (B) Reject the proposed judgment, in whole or in part, and order such relief as may be appropriate.

(4) A proposed judgment from a judge pro tempore is not effective until expressly approved by the district court as evidenced by the signature of the district court judge.

(Amended 3-6-08, eff. 4-5-08.)

II. PARTICIPATION IN AND REMOVAL FROM THE SHORT TRIAL PROGRAM

Rule 4. Matters subject to the short trial program.

(a) Mandatory participation in the short trial program.

(1) **Trial de novo after arbitration.** All cases that are subject to the mandatory court annexed arbitration program in which a party has filed a request for trial de novo shall enter the short trial program. The party filing the request for trial de novo must comply with N.A.R. 18 and must also pay to the district court clerk all applicable juror fees and costs at the time of filing of the request for trial de novo.

(2) **Cases entering short trial program after unsuccessful mediation in lieu of arbitration.** Cases that enter the mediation program in lieu of arbitration under the Nevada Mediation Rules but are not resolved in the mediation program shall enter the short trial program. The juror fees and costs shall initially be borne equally by the parties. The parties must pay all applicable juror fees and costs as directed by the commissioner.

(b) **Voluntary participation in the short trial program.** Parties may stipulate to participation in the short trial program as follows:

(1) **Short trial in lieu of arbitration.** In all cases that would otherwise qualify for the court annexed arbitration program, the parties may stipulate to enter the short trial program in lieu of the court annexed arbitration program. A written stipulation, together with all applicable juror fees and costs, must be filed with the district court clerk and served on the commissioner before the conference required under N.A.R. 11. An untimely written stipulation may be filed provided that the parties certify that all arbitrator fees and costs have been paid.

(2) **Cases exempt from arbitration.** Cases exempt from the court annexed arbitration program may, by stipulation of all parties be placed in the short trial program. A written stipulation, together with all applicable juror fees and costs, must be filed with the district court clerk and served on the commissioner. The parties must also provide written notice to the department of the district court to which the case is assigned.

(c) **Juror fees and costs.** For purposes of this rule, costs and juror fees shall be calculated using a 4-member jury. (Amended eff. 3-25-05.)

Rule 5. Removal of cases subject to mandatory participation in the short trial program.

(a) **Demand for removal.** Any party may file with the district court clerk and serve on the other parties and the commissioner a written demand to remove the case from the short trial program. At the time a demand is filed as required by this rule, the party demanding removal of the case from the short trial program shall deposit with the clerk an amount equal to the fees to be paid the trial jurors for their services for the estimated length of the trial and court costs. If more than one party demands removal of

the case from the short trial program, those parties shall be equally responsible for the jury fees and court costs upon filing the demand. (Amended eff. 3-25-05.)

(1) Trial de novo cases. A demand to remove a trial de novo case from the short trial program must be filed and served no later than 10 days after service of the request for trial de novo. For good cause shown, an appropriate case may be removed from the short trial program upon the filing of an untimely request for exemption; however, such filing may subject the requesting party to sanctions. (Amended eff. 3-25-05; amended 3-6-08, eff. 4-5-08.)

(2) Mediation cases. A demand to remove an unsuccessful mediation case from the short trial program must be filed and served no later than 10 days after service of the mediator's report under N.M.R. 8. For good cause shown, an appropriate case may be removed from the short trial program upon the filing of an untimely request for exemption; however, such filing may subject the requesting party to sanctions. (Amended eff. 3-25-05; amended 3-6-08, eff. 4-5-08.)

(b) Juror fees and costs. For purposes of this rule, costs and juror fees shall be calculated using an 8-member jury and costs shall be estimated at \$1,000 unless the parties stipulate to another amount. (Amended eff. 3-25-05.)

(c) Waiver of removal. A party's opportunity to remove a case from the short trial program is waived if that party fails to timely file and serve a demand to remove the case or fails to deposit the fees and costs required by this rule. (Amended eff. 3-25-05; amended 3-6-08, eff. 4-5-08.)

(d) Procedure after removal. After removal from the short trial program, the case shall proceed under the provisions of the Nevada Arbitration Rules governing trials de novo and the Nevada Rules of Civil Procedure.

III. PLEADINGS AND MOTIONS; DISCOVERY AND PRETRIAL PROCEDURE

Rule 6. Filing and service of documents.

Unless otherwise specified in these rules, all documents must be filed and served in accordance with the provisions of the Nevada Rules of Civil Procedure. Following trial, the presiding judge shall file all documents, jury instructions and evidence with the district court.

Rule 7. Motions; rulings to be written and filed.

The presiding judge shall hear and decide all motions. All rulings issued by the presiding judge shall be in writing and filed with the district court clerk.

Rule 8. Mandatory discovery and settlement conference.

Within 30 days after the appointment of the presiding judge, the parties must meet with the presiding judge to confer, exchange documents, identify witnesses known to the parties which would otherwise be required pursuant to N.R.C.P. 16.1, to formulate a discovery plan, if necessary, and to discuss the possibility of settlement or the use of other alternative dispute resolution mechanisms. The extent to which discovery is allowed is in the discretion of the presiding judge. The presiding judge shall resolve all disputes relating to discovery.

Rule 9. Pretrial memorandum.

No later than 7 days before the pretrial conference under Rule 10, the parties shall prepare and serve on the presiding judge a joint pretrial memorandum. The joint pretrial memorandum shall contain:

- (a) a brief statement of the nature of the claim(s) and defense(s);
- (b) a complete list of witnesses, including rebuttal and impeachment witnesses, and a description of the substance of the testimony of each witness;
- (c) a list of exhibits; and
- (d) all other matters to be discussed at pretrial conference.

Rule 10. Pretrial conference.

No later than 10 days before the scheduled short trial date, the presiding judge shall hold a conference with the parties, in person or by telephone, to discuss all matters needing attention prior to the trial date. During the pretrial conference the presiding judge may rule on any motions or disputes including motions to exclude evidence, witnesses, jury instructions or other pretrial evidentiary matters.

Rule 11. Settlement before trial.

In the event a case settles before the scheduled short trial date, the parties must, no more than 2 working days after a settlement is reached, submit to the commissioner either a written stipulation and order of dismissal executed by the parties and/or their attorneys or a written statement signed by counsel confirming that the parties have reached a settlement. Violation of this rule shall subject the parties, their attorneys, or both, to sanctions by the commissioner. (Amended 3-6-08, eff. 4-5-08.)

IV. TRIALS

Rule 12. Calendaring.

Unless otherwise stipulated to by the parties and approved by the presiding judge, or for good cause shown, a short trial shall be calendared, depending on courtroom availability, to commence not later than 120 days from the date that the presiding judge is assigned, and 240 days after the filing of a written stipulation for cases that are directly entered in the short trial program by stipulation of the parties under Rule 4(b).

Rule 13. Continuances.

No request for the continuance of a trial scheduled in the short trial program may be granted except upon extraordinary circumstances. A motion for a continuance must be in writing and served on the presiding judge, must state the extraordinary circumstances and must otherwise comply with local rules. An order from the presiding judge granting a continuance of a case scheduled for trial in the short trial program must state the nature of the extraordinary circumstances and provide the commissioner with at least 3 dates within the ensuing 60 days when the parties can conduct the trial. The commissioner shall then calendar the case for trial on one of the specified dates.

Rule 14. Location of trial.

The local district court, through the chief judge, senior presiding judge or the court-designated administrator, shall provide courtroom space for said trials and the time and place for the same in coordination with the parties and the presiding judge.

Rule 15. Depositions, interrogatories and admissions.

Each party is permitted to quote directly from relevant depositions and video depositions, interrogatories, requests for admissions, or any other evidence as stipulated to by the parties.

Rule 16. Documentary evidence.

Subject to a timely objection pursuant to Rule 17, or as otherwise stipulated to by the parties, any and all reports, documents or other items that would be admitted upon testimony by a custodian of records or other originator such as wage loss records, auto repair estimate records, photographs, or any other such items as stipulated to, may be admitted into evidence without necessity of authentication or foundation by a live witness.

Rule 17. Evidentiary objections.

On the date the pretrial memorandum is due, the parties shall submit to the presiding judge all evidentiary objections to reports, documents or other items proposed

to be utilized as evidence and presented to the jury or presiding judge at the time of trial. Unless an objection is based upon a reasonable belief about its authenticity, the presiding judge shall admit the report, document or other item into evidence without requiring authentication or foundation by a live witness.

Rule 18. Evidentiary booklets.

The parties shall create a joint evidentiary booklet that may include, but is not limited to, photographs, facts, diagrams, and other evidence to be presented. The booklet shall be submitted with the joint pretrial memorandum. Any evidentiary objections relating to the booklet shall be raised at the Rule 10 conference or shall be deemed waived.

Rule 19. Expert witnesses.

(a) Form of expert evidence. The parties are not required to present oral testimony from experts and are encouraged to use written reports in lieu of oral testimony in court.

(b) Use of oral testimony; disclosure. If a party elects to use oral testimony, that party must include the expert's name on the witness list submitted with the pretrial memorandum under Rule 9.

(c) Use of written reports; disclosure. If a party elects to use a written report, that party shall provide a copy of the written report to the other parties no later than 30 days before the pretrial conference. Any written report intended solely to contradict or rebut another written report must be provided to the other parties no later than 15 days before the pretrial conference.

(d) Qualification of expert witness. At the time of the pretrial conference, the parties shall file with the presiding judge and serve on each other any documents establishing an expert's qualifications to testify as an expert on a given subject. There shall be no voir dire of an expert regarding that expert's qualifications. The presiding judge may rule on any disputes regarding the qualifications of an expert during the pretrial conference under Rule 10.

(e) Cap on recovery for expert witness fees. Recovery for expert witness fees is limited to \$500 per expert unless the parties stipulate to a higher amount.

(f) Scope of rule. For purposes of this rule, a treating physician is an expert witness.

Rule 20. Reporting of testimony.

There shall be no formal reporting of the proceedings unless paid for by the party or parties requesting the same.

Rule 21. Time limits for conduct of trial.

Plaintiff(s) and defendant(s) shall be allowed 3 hours each to present their respective cases unless a different time frame is stipulated to and approved by the presiding judge. Presentation includes opening statements, closing statements, presentation of evidence, examination and cross-examination of witnesses, and any other information to be presented to the jury or presiding judge, including rebuttal. Cross-examination of witnesses shall be attributed to the party cross-examining for calculation of time allowed. For the purposes of this Rule, all plaintiffs collectively shall be treated as one plaintiff, and all defendants collectively shall be treated as one defendant.

Rule 22. Size of jury.

The parties may stipulate to a jury of 4 or 6 members. For good cause shown to the presiding judge, a party may request a jury of 8 members and, unless otherwise stipulated, additional jurors' fees for an 8-member jury shall be paid by the party requesting the same within 10 days after approval by the presiding judge. Should the parties fail to stipulate to a specific jury size, the jury shall be composed of 4 members.

Rule 23. Juror selection and voir dire.

Twelve potential jurors will be selected from the county jury pool for a jury of 4 members; 14 potential jurors will be selected for a jury of 6 members; and 16 potential jurors will be selected for a jury of 8 members. Each side shall be allowed 15 minutes of voir dire, which time shall not be deducted from the 3 hours of presentation time provided under Rule 21. At the discretion of the judge, the time for voir dire may be expanded to 20 minutes per side. Each side shall be entitled to strike 2 jurors by peremptory challenge. Challenges for cause will remain the same as provided by statute. In the event the resulting jury panel is greater than 4 members for a 4-member jury, the first 4 members called will constitute the jury panel. In the event the resulting jury panel is greater than 6 members for a 6-member jury, the first 6 members called will constitute the jury panel. In the event the resulting jury panel is greater than 8 members for an 8-member jury, the first 8 members called will constitute the jury panel. (Amended 3-6-08, eff. 4-5-08.)

Rule 24. Opening charge to jury.

The presiding judge shall advise the impaneled jury in the opening charge as follows:

A trial is a search for truth using the rules of law. Therefore, the court will allow members of the jury to ask written questions of any witness called to testify in this case. You are not encouraged to ask questions because that is the responsibility of the attorneys. Nevertheless, if you believe that an important question has not been asked, or that an answer needs clarification, you may submit a question. Keep in mind that a witness scheduled to testify later in the trial may be the best person to answer that question.

A question may be asked in the following manner. Please write it down and pass the paper to the presiding judge. Copies will then immediately be made for counsel and the presiding judge. The presiding judge will privately confer with the attorneys at a convenient time and then decide if the question is appropriate under Nevada law.

If the question seeks factual information from the witness and is designed to clarify information about issues in this trial, the presiding judge or the attorneys may question the witness regarding the points raised in the juror question. No emphasis should be placed on the answer to the question merely because the question came from a juror.

If a question submitted by a juror is not asked, no adverse inference can be drawn. The question was simply not allowed under the Nevada Rules of Evidence and must be disregarded.

Rule 25. Jury instructions.

Standard jury instructions should be taken from the Nevada Pattern Civil Jury Instruction Booklet unless a particular instruction has been disapproved by the Nevada Supreme Court. Any proposed or agreed to additions to the jury instructions shall be included in the pretrial memorandum and ruled on by the presiding judge at the pretrial conference. All stipulated and proposed instructions must be presented to the presiding judge prior to trial under Rule 10. The presiding judge shall encourage limited jury instructions.

V. JUDGMENT

Rule 26. Entry of judgment.

Judgment shall be entered upon the short trial jury verdict form in a jury trial or upon a decision by the presiding judge in a trial to the bench, and the judgment, including any costs or attorney's fees, shall be filed with the clerk. A decision of at least 3 of the 4 jurors is necessary to render a verdict for a 4-member jury, at least 5 of the 6 jurors for a 6-member jury, and at least 6 of the 8 jurors for an 8-member jury. A judgment arising out of the short trial program may not exceed \$50,000 per plaintiff exclusive of attorney's fees, costs and prejudgment interest, unless otherwise stipulated to by the parties. Jurors shall not be notified of this limitation. Where cases not subject to mandatory arbitration were brought into the short trial program, the parties may establish a different ceiling of recovery by stipulation. (Amended eff. 3-14-07.)

Rule 27. Attorney's fees, presiding judge's fees and costs.

(a) Attorney's fees, costs and interest for cases removed from the short trial program. In cases removed from the short trial program pursuant to Rule 5, attorney's fees, costs and interest shall be allowed as follows:

(1) The prevailing party at the trial following removal from the short trial program is entitled to all recoverable fees, costs, and interest pursuant to statute or N.R.C.P. 68.

(2) Exclusive of any award of fees and costs under subdivision (a)(1), a party is entitled to a separate award of reasonable attorney's fees and costs as set forth in paragraphs (A) and (B) below. If both parties demanded removal from the short trial program, the provisions of N.A.R. 20(B)(2) apply in lieu of (A) and (B) below. (Amended eff. 3-25-05.)

(A) Where the party who demanded removal from the short trial program fails to obtain a judgment that exceeds the arbitration award by at least 20 percent of the award, the non-demanding party is entitled to its reasonable attorney's fees and costs associated with the proceedings following removal from the short trial program. (Amended eff. 3-25-05.)

(B) Where the party who demanded removal from the short trial program fails to obtain a judgment that reduces by at least 20 percent the amount for which that party is liable under the arbitration award, the non-demanding party is entitled to its attorney's fees and costs associated with the proceedings following removal from the short trial program. (Amended eff. 3-25-05.)

(b) Attorney's fees, presiding judge's fees, costs and interest following short trial. Attorney's fees, presiding judge's fees and costs shall be allowed following a short trial as follows:

(1) The prevailing party at the short trial is entitled to all recoverable fees, costs and interest pursuant to statute or N.R.C.P. 68.

(2) Exclusive of any award of fees and costs under subdivision (b)(1), a party is entitled to a separate award of fees and costs as set forth in N.A.R. 20(B)(2) in cases that enter the short trial program upon a request for trial de novo.

(3) The prevailing party at the short trial is also entitled to recover any fees and costs the party paid to the presiding judge.

(4) An award of fees under subsections (1) and (2) of this rule may not exceed a total of \$3,000, unless the parties otherwise stipulate or the attorney's compensation is governed by a written agreement between the parties allowing a greater award. (Amended 3-6-08, eff. 4-5-08.)

(5) Recovery of expert witness fees is limited to \$500 per expert unless the parties stipulate to a higher amount.

Rule 28. Fees for presiding judges.

Pro tempore judges shall be entitled to remuneration of \$150 per hour, with a maximum per case of \$1,500, unless otherwise stipulated. The fees shall be paid equally by the parties unless otherwise stipulated. If, however, one of the parties to the short trial is an indigent person who was exempted under NRS 12.015 from paying a filing fee, no fees for a short trial judge may be collected from any party to the short trial. (Amended 5-3-07, eff. 6-2-07; amended 3-6-08, eff. 4-5-08.)

Rule 29. Costs for presiding judge.

(a) Allowable costs. Pro tempore judges are entitled to recover the costs, not to exceed \$250, that the pro tempore judge reasonably incurs in presiding over an action within the short trial program. Costs recoverable by the pro tempore judge are limited to:

- (1) Reasonable costs for facsimiles;
- (2) Reasonable costs for photocopies;
- (3) Reasonable costs for long distance telephone calls;
- (4) Reasonable costs for postage;
- (5) Reasonable costs for travel and lodging; and
- (6) Reasonable costs for secretarial services.

(b) Itemized bill required. To recover such costs, the presiding judge must submit to the parties an itemized bill of costs within 10 days of the verdict or judgment in a bench trial.

(c) Disputes. All disputes regarding the propriety of an item of costs must be filed with the commissioner within 5 days of the date that the presiding judge serves the bill reflecting the presiding judge's costs. The commissioner shall settle all disputes concerning the reasonableness or appropriateness of the presiding judge's costs.

(d) Exception for indigent party. If one of the parties to the short trial is an indigent person who was exempted under NRS 12.015 from paying a filing fee, the pro tempore judge may not collect costs from any party to the short trial.

Rule 30. Deposits; failure to pay.

If required by the presiding judge, each party to a case within the short trial program shall deposit with the presiding judge, within 30 days of request by the presiding judge, a sum up to \$750 as an advance toward the presiding judge's fees and costs. If a party fails to pay the required advance, the district court shall, after giving appropriate notice and opportunity to be heard, hold the delinquent party in contempt and impose an appropriate sanction.

Rule 31. Allocation of fees and costs.

(a) Cases entered in short trial program by stipulation or following mediation. For cases that are entered in the short trial program by stipulation of the parties or after unsuccessful participation in the mediation program, jurors fees, except as provided in Rule 22 for an 8-member jury, presiding judge's fees and costs shall be borne equally by the parties subject to retaxation pursuant to Rule 27.

(b) Trial de novo cases. For cases that enter the short trial program following the filing of a request for a trial de novo:

(1) Juror fees, except as provided in Rule 22 for an 8-member jury, shall initially be borne by the party filing the request for trial de novo as provided in Rule 4(a)(1), subject to retaxation pursuant to Rule 27.

(2) Should the plaintiff requesting the trial de novo fail to obtain a judgment in the short trial program that exceeds the arbitration award, or should the defendant requesting the trial de novo fail to obtain a judgment that reduces

the amount for which that party is liable under the arbitration award, all presiding judge's fees and costs incurred while the case is in the short trial program shall become a taxable cost against and be paid by the party requesting the trial de novo. In comparing the arbitration award and the judgment, the presiding judge shall not include costs, presiding judge's fees, attorney's fees, and interest with respect to the amount of the award or judgment. If multiple parties are involved in the action, the presiding judge shall consider each party's respective award and judgment in making the comparison between the arbitration award and the judgment.

Rule 32. Binding short trial.

Parties to cases in the short trial program may agree at any time that the results of the short trial are binding. If the parties agree to be bound by the results of the short trial, the procedures set forth in these rules governing direct appeals to the supreme court will not apply to the case.

VI. APPEALS

Rule 33. Direct appeal of final judgment.

Any party to a case within the short trial program shall have a right to file a direct appeal of the final judgment to the supreme court under the provisions of the Nevada Rules of Civil Procedure and the Nevada Rules of Appellate Procedure. Any party who has failed to pay the presiding judge's fees and/or costs in accordance with Rules 28 and 29 shall be deemed to have waived the right to appeal.

VII. GENERAL PROVISIONS

Rule 34. Support personnel.

Short trials shall not require a bailiff or court clerk, but, on the day of the trial, the court administrator or designated representative shall be responsible for providing the panel of jurors for a short jury trial.

VIII. FORMS

Form 1. Judgment on Short Trial Jury Verdict

(Title of Court)
Civil Action, File Number.....

A.B., Plaintiff }
 v. }
C.D., Defendant } Judgment

This action came on for trial before the Court and a jury, Short Trial Judge, presiding, and the issues having been duly tried and the jury having duly rendered its verdict,

It Is Ordered and Adjudged:

[that the plaintiff A. B. recover of the defendant C. D. the sum of, with interest thereon at the rate of percent as provided by law, and his or her costs of action.]

[that the plaintiff take nothing, that the action be dismissed on the merits, and that the defendant C. D. recover of the plaintiff A. B. his or her costs of action.]

Dated this day of, 20.....

.....
Short Trial Judge