

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF THE PETITION
TO AMEND RULE 10 OF THE LOCAL
RULES OF PRACTICE FOR THE
SECOND JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA (WDCR
10)

ADKT 0417

FILED

MAR 24 2017

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

*ORDER AMENDING RULE 10 OF THE LOCAL RULES OF PRACTICE
FOR THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF
NEVADA (WDCR 10)*

WHEREAS, the Honorable Patrick Flanagan, Chief Judge, filed a petition, followed by an amended petition, in this court seeking to amend Rule 10 of the local rules of practice regarding the form of pleadings to reflect recent statutory and rule changes, acknowledge and support the transition to mandatory electronic filing, and promote access to justice by providing clear guidance to court users; and

WHEREAS, this court has determined that amendment of Rule 10 is warranted; accordingly,

IT IS HEREBY ORDERED that Rule 10 of the Local Rules of Practice for the Second Judicial District Court of the State of Nevada shall be amended and shall read as set forth in Exhibit A.

IT IS FURTHER ORDERED that this rule shall be effective 30 days from the date of this order. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State Bar of Nevada.

The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rules.

Dated this 24 day of March, 2017.

Cherry, C.J.
Cherry

Douglas, J.
Douglas

Gibbons, J.
Gibbons

Pickering, J.
Pickering

Hardesty, J.
Hardesty

Parraguirre, J.
Parraguirre

Stiglich, J.
Stiglich

cc: Hon. Patrick Flanagan, Chief Judge
All Second Judicial District Court Judges
Washoe District Court Clerk

EXHIBIT A

AMENDMENT TO RULE 10 OF THE SECOND JUDICIAL DISTRICT COURT RULES

Rule 10. Form of pleadings.

~~[1. All pleadings and papers presented for filing must be flat, unfolded, firmly bound together at the top, on white paper of standard quality, not less than 16-lb. weight and 8 1/2 × 11 inches in size. All papers must be typewritten or prepared by some other duplicating process that will produce clear and permanent copies equally legible to printing. The font size shall not be more than 12 points. Photocopies may not be filed, except as provided in section 6 of this rule. Only one side of the paper may be used.~~

~~All papers presented for filing, receiving or lodging with the clerk shall be pre-punched with 2 holes, centered 2 3/4" apart 1/2" to 5/8" from the top edge of the paper.~~

~~The lines on each page must be double spaced, except that descriptions of real property may be single spaced. Pages must be numbered consecutively at the bottom. Lines of pages must be numbered in the left margin or on legal pleading paper.~~

~~Any pleadings or papers presented for filing that are larger than what can be fastened in a 2-inch acco fastener must be submitted for filing in volumes of no larger than 2 inches per volume with a cover page on each volume indicating the title of the document and volume number.~~

~~2. No original pleading or paper may be amended by using correction fluid or tape, making erasures or interlineations thereon, or by attaching slips thereto, except by leave of court.~~

~~3. The following information shall appear upon the first page of every paper presented for filing:~~

~~(a) The document code (list of document codes available from the Second Judicial District Court Filing Office and on the court's website at www.washoecourts.com); 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; whether such attorney appears for the plaintiff, defendant, or other party; or the name, address and telephone number of a party appearing in proper person, 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.~~

~~CODE~~

~~NAME~~

~~BAR NUMBER~~

~~ADDRESS~~

~~CITY, STATE, ZIP CODE~~

~~TELEPHONE NUMBER~~

~~ATTORNEY FOR:~~

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

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

~~(c) Below the title of the court shall appear in the space to the left of center, line 9, the name of the action or proceeding, e.g.,~~

JOHN DOE,

Plaintiff,

vs.

RICHARD ROE,

Defendant.

~~(d) In the space to the right of center at lines 11 and 12, shall appear the case number and the department number as follows:~~

Case No. CV99-00000

Dept. No. 1

~~(e) The title of the pleading, motion or other document must be typed or printed on the page directly below the name of the parties to the action or proceeding. The title must be sufficient in description to apprise the respondent and clerk of the nature of the document filed, or the relief sought, e.g., Defendant's Motion for Summary Judgment against Plaintiff John Doe; Plaintiff's Motion to Compel Answers to Interrogatories.~~

(Example)

~~CODE~~

~~ATTORNEY NAME~~

~~BAR NUMBER~~

~~ADDRESS~~

~~CITY, STATE, ZIP CODE~~

~~PHONE NUMBER~~

~~ATTORNEY FOR:~~

~~IN THE SECOND JUDICIAL DISTRICT COURT OF
THE STATE OF NEVADA IN AND FOR THE
COUNTY OF WASHOE~~

~~JOHN DOE,~~

~~Plaintiff,~~

~~vs.~~

~~Case No. CV99-00000~~

~~RICHARD ROE,~~

~~Dept. No.~~

~~Defendant.~~

~~...../~~

~~MOTION, ORDER, REPLY
JUDGMENT, ETC.~~

~~(f) Pleadings or papers presented for filing should be in the
following order:~~

- ~~Pleading or document including filer's signature~~
- ~~Affirmation~~
- ~~Certificate of Service~~
- ~~Index of Exhibits followed by the Exhibits, if any~~

~~4. Pursuant to NRS 239B.030(4), the Second Judicial District Court requires that an Affirmation must be attached as the last page of each document presented for filing and before any attached exhibits, or the Affirmation may be the last sentence before the signature line on the document, stating that the document does not contain the social security number of any person. If the document does contain the social security number of any person, the affirmation must indicate the specific state or federal law requiring said number. The Affirmation form is available at the Second Judicial District Court Filing Office and on the court's website at www.washoecourts.com.~~

~~5. Social security numbers and any financial account numbers must be redacted from any documents filed with the court. If a social security or account number is needed for identification purposes, all but the last four digits of that number must be redacted from the pleadings and documents.~~

~~6. All exhibits attached to pleadings or papers must be 8 1/2 × 11 inches in size; must be separated with bottom-tabbed divider pages; must be labeled numerically, *i.e.*, Exhibit 1, 2, 3, etc., rather than alphabetically, and it will be mandatory effective January 1, 2008, that all exhibits be identified numerically. Exhibits that are smaller must be affixed to a blank sheet of paper 8 1/2 × 11 inches in size, with invisible adhesive tape on all sides. Staples must not be~~

~~used to affix an exhibit to a sheet of paper. Exhibits that are larger than 8 1/2 x 11 inches must be reduced to 8 1/2 x 11 inches. Exhibits such as maps must be folded so as to appear 8 1/2 x 11 inches in size. All exhibits attached to pleadings or papers must be separated by a bottom-tabbed divider page and clearly marked with the exhibit number at the top and bottom of the page. All exhibits attached to pleadings or papers must be preceded by an Index of Exhibits indicating the exhibit number, exhibit description, and the length of each exhibit (number of pages). Copies of exhibits must be clearly legible and not unnecessarily voluminous. Original documents must be retained by counsel for introduction as exhibits at the time of a hearing or at the time of trial rather than attached to pleadings.~~

~~7. Accountings and/or financial reports must be attached as exhibits to pleadings and documents and not included in the body of any pleading or document.~~

~~8. If pleadings or documents are presented for filing with multiple case numbers, a separate original must be filed for each individual case.~~

~~9. Any motion, opposition, reply, etc., must be filed as a separate document unless it is pleaded in the alternative.~~

~~10. When a decision of the Supreme Court of the State of Nevada is cited, the citation to Nevada Reports must be given together with the citation to West's Pacific Reporter and the year of the decision. When a decision of an appellate court of any other state is cited, the 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.~~

~~11. The clerk shall not accept for filing any pleadings or documents which do not comply with this rule, except by leave of the court after good cause has been shown, the court may permit the filing of noncomplying pleadings and documents.]~~

1. Format.

(a) General.

(1) All documents presented for filing must be:

(i) Signed with the filer's signature;

(ii) In English;

(iii) On white paper of standard quality;

(iv) 8 1/2 × 11 inches in size;

(v) Lined with numbers in the left margin or on legal pleading paper;

(vi) Double spaced, except that descriptions of real property may be single spaced; and

(vii) Numbered consecutively at the bottom.

(2) All typed documents must be in a font size that is of 12 points.

(3) All handwritten documents must be:

(i) Clearly legible and neat; and

(ii) Written on one side of the paper only.

(b) Electronically Filed Document Format.

(1) All pleadings and papers presented for electronic filing must be:

(i) In portrait style;

(ii) Converted to a PDF; and

(iii) Rotated right-side up.

(2) Some exhibits may be in landscape style.

(c) Paper Filed Document Format.

(1) All documents presented for paper filing must be flat and stapled.

2. Multiple Case Numbers.

(a) A separate pleading or document must be filed for each individual case.

(b) Pleadings or documents must not be filed with multiple case numbers.

3. Motion, Opposition, Reply.

(a) Any motion, opposition, reply, etc., must be filed as a separate document unless it is pleaded in the alternative.

4. Citations.

(a) Supreme Court of the State of Nevada—The citation to the Nevada Reports must be given together with the citation to West's Pacific Reporter and the year of the decision.

(b) Nevada Court of Appeals—The citation to the Nevada Reports must be given together with the citation to West's Pacific Reporter and the year of the decision.

(c) Appellate Court of Any Other State—The citation to West's Regional Reporter System must be given together with the state and year of the decision.

(d) United States Supreme Court—The citation to the United States Reports and year of decision must be given.

(e) All Court Citations—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 West's Federal Reporter System, that citation, court, and year of decision must be given.

5. Signatures.

(a) Paper.

(1) Original handwritten signatures on paper filed documents are required.

(b) Electronic Signatures.

(1) Electronic signatures (e.g., /s/) are permissible on electronically filed documents submitted from the e-filer's E-Flex account. (See Nevada Electronic Filing and Conversion Rules, Rule 11).

(2) Electronically filed documents requiring signatures of opposing parties, such as a stipulation, must contain the handwritten signature of all parties on a printed form of the document. The printed document bearing the original signatures must be scanned and electronically filed in a format that accurately reproduces the original signatures and document contents. (Rule 11(c), Nevada Electronic Filing and Conversion Rules).

(3) In criminal cases, electronic signatures are acceptable on filed documents requiring the signatures of all parties, such as a stipulation.

6. Corrections.

(a) No original pleading or paper may be amended by using tape, making erasures, or attaching slips, except by leave of court.

(b) Interlineations and striking through are acceptable if initialed by the filer.

7. Required Affirmation.

(a) An Affirmation must be attached as the last page of each document presented for filing and before any attached exhibits. No such Affirmation shall be included in proposed orders submitted to the court. NRS 239B.030(4).

(b) The Affirmation may also be the last sentence before the signature line on the document.

(c) The Affirmation must state that the document does not contain personal information.

(d) If the document does contain personal information, the Affirmation must indicate the specific state or federal law requiring the inclusion of said information.

(e) The Affirmation form is available at the Second Judicial District Court Filing Office and on the court's website at www.washoecourts.com.

8. Redacted Information.

(a) Except as otherwise provided by law, the following information must be redacted if it is in combination with a person's first name or first initial and last name:

(1) A social security number;

(2) A driver's license number, driver authorization card number, or identification card number;

(3) An account number, credit card number or debit card number in combination with a security or access code or password that permits access to the account;

(4) A user name, unique identifier or electronic mail address, in combination with any required access code or security question and answer; and

(5) A medical identification number or health insurance identification number.

(b) If any of these numbers are needed for identification purposes, all but the last four digits of that number must be redacted from the pleadings

and documents. The primary duty for redaction rests with the filing party. See NRS 603A.040.

9. Exhibits.

(a) Exhibits, including accountings and financial reports, shall not be included in the body of any pleading or document.

(b) All exhibits attached to pleadings or papers must be 8 1/2 × 11 inches in size and must be labeled numerically, i.e., Exhibit 1, 2, 3, etc.

(c) An Index of Exhibits must be included before all attached exhibits.

(1) The Index of Exhibits must indicate each exhibit number, a description of each exhibit, and the length of each exhibit (number of pages).

(d) All exhibits must be clearly marked with the exhibit number on the divider page.

(e) Original documents must be retained for introduction as exhibits at the time of a hearing or at the time of trial rather than attached to pleadings.

(f) Exhibits that are smaller must be attached to a blank sheet of paper 8 1/2 × 11 inches in size, with invisible adhesive tape on all sides.

(g) Exhibits that are larger than 8 1/2 × 11 inches must be reduced to 8 1/2 × 11 inches.

(h) Staples must not be used to affix an exhibit to a sheet of paper.

(i) Copies of exhibits must be clearly legible and not unnecessarily voluminous.

(j) Exhibits which are electronically filed must be submitted as a separate PDF document and may not be filed in batches or as one single document.

10. Filing Rejections.

(a) Except in criminal cases and writs arising from criminal cases, Filing Office personnel shall refuse to file any document or pleading under the following circumstances or as otherwise provided by District Court rule, statute, or order of the court:

(1) The document does not have a District Court case number;

(2) The document does not have an Affirmation; or

(3) The document is not signed.

11. Pleading Format. The following information shall appear upon the first page of every paper presented for filing:

(a) Filer's Information.

(1) Information (1)-(4) shall be set on the far left side of the page, beginning at line 1, and shall be single spaced. The space to the far right of the pleading shall be reserved for the filing marks of the clerk.

(i) The document code (the list of document codes is available at the Second Judicial District Court Filing Office and on the District Court's website at www.washoecourts.com);

(ii) The name of the party filing the document;

(iii) The filer's Nevada State Bar identification number, if appropriate; and

(iv) The address and telephone number of the attorney and of any associated attorney appearing for the party filing the paper; whether such attorney appears for the plaintiff, defendant, or other party; or the name, address, and telephone number of a party appearing in proper person.

(b) Court Title.

(1) The title of the court shall appear at the center of the page, line

6.

(c) Name of Parties.

(1) The name of the parties to the action or proceeding shall appear in the space to the far left at line 9.

(d) Case and Department Number.

(1) The case number and department number shall appear to the right of the center at lines 11 and 12.

(e) Title of Pleading.

(1) The title of the pleading, motion, or other document must be typed or printed on the page and centered below the name of the parties to the action or proceeding. The title must be sufficient in description to apprise the respondent and clerk of the nature of the document filed, or the relief sought, e.g., Defendant's Motion for Summary Judgment against Plaintiff John Doe; Plaintiff's Motion to Compel Answers to Interrogatories.

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CODE
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BAR NUMBER
ADDRESS
CITY, STATE, ZIP CODE
PHONE NUMBER
ATTORNEY FOR:

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

JOHN DOE,

Plaintiff,

vs.

RICHARD ROE,

Defendant.

Case No. CV99-00000

Dept. No.

MOTION, ORDER, REPLY
JUDGMENT, ETC.

Sample Pleading

At least a 1" margin should remain below. Page numbers are required.