

MAY 05 2020

By *[Signature]*  
Eureka County Clerk

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IN THE SEVENTH JUDICIAL DISTRICT COURT OF THE STATE OF  
NEVADA, IN AND FOR THE COUNTY OF EUREKA

IN THE MATTER OF  
the Seventh Judicial District  
Court's Response to Coronavirus  
Disease (COVID-19)

On March 12, 2020, Governor Steve Sisolak declared a state of emergency in Nevada in response to the recent outbreak of the Coronavirus Disease (COVID-19). Given the severity of the risk posed to the public by COVID-19, and after considering recommendations by the Nevada Supreme Court Chief Justice Kristina Pickering, and consultation with the Honorable Gary D. Fairman, the Chief Judge of the District Court has determined that alterations to court procedure are necessary for the protections of the community.

Article 3, Section 1 of the Nevada Constitution provides that, "The powers of the Government of the State of Nevada shall be divided into three separate departments, – Legislative, – the Executive and the Judicial; and no persons charged with the exercise of powers properly belonging to one of these departments shall exercise any functions, appertaining to either of the others, except in the cases expressly directed or permitted in this constitution." "In addition to the constitutionally expressed powers and functions of each Department (the Legislative, the Executive, and the Judicial) each possesses inherent and incidental powers that are properly termed *ministerial*. Ministerial functions are methods of implementations to accomplish or put into effect the basic function of each Department." Galloway v. Truesdell, 83 Nev. 13, 21, 422 P.2d 237, 243 (1967).

Following the March 12, 2020, Declaration of Emergency this Court exercised the ministerial judicial power and on March 17, 2020, entered an emergency order.

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1 This Order changed court procedures so as to minimize person-to-person contact and  
2 mitigate the risk associated with COVID-19 pandemic, while continuing to provide  
3 essential court services. The Order specifies that it “shall be reviewed no later than  
4 every 30 days and shall continue until modified or rescinded by subsequent order.”

5 On March 30, 2020, this Court entered a second administrative order which  
6 temporarily suspended court rules that prohibit or restrict the court clerk from  
7 receiving documents through fax or email.

8 On March 31, 2020, Governor Sisolak entered Declaration of Emergency  
9 Directive 010, which directs Nevadans to stay home except to see or provide essential  
10 services. Directive 010 extends the declared emergency through April 30, 2020.  
11 Consistent with this Directive and its original Order, the Court has reviewed the prior  
12 Administrative Order and, after consultation with the Chief Justice of the Nevada  
13 Supreme Court, orders as follows:

14 1. This order shall serve to extend the prior order regarding fax or email  
15 documents and extend and modify the prior order regarding general court procedures.

16 2. All jury trials, civil and criminal, to commence on or before June 1,  
17 2020, are suspended, and will be rescheduled as the court calendar allows.

18 This order shall operate to stay trials in civil cases for purposes of NRC 41(e).  
19 The time period of any continuance entered in a criminal trial as a result of this order  
20 may be considered by the court to be good cause for purposes of calculating a speedy  
21 trial under NRS 178.556(1), and NRS 174.511 and any constitutional mandates for  
22 a speedy trial.

23 The need to protect the public, parties to cases, and court staff from COVID-19  
24 will be afforded substantial weight in any claim of a denial of the right to a speedy  
25 trial.

26 Absent further order of the court, the period of exclusion shall be from March

1 16, 2020 through July 1, 2020. The court may extend the period of exclusion as  
2 appropriate.

3 3. During this time, District Court will continue to accept filings and  
4 continue to manage cases within the parameter set forth in this order and the prior  
5 orders.

6 4. Effective March 16, 2020 until June 1, 2020, all court hearings involving  
7 in-custody inmates from the Nevada Department of Corrections are postponed until  
8 a later date or until audio/video technology is available. The potential risk of infecting  
9 an inmate who could then spread the virus throughout the prison mandates this action.

10 5. Effective March 16, 2020 until June 1, 2020, all Court hearings  
11 involving in-custody inmates at the Eureka County Sheriff's Office and in-custody  
12 inmates in neighboring counties are postponed until a later date or until audio/video  
13 technology is available. The potential risk of infecting an inmate who could who  
14 could then spread the virus throughout the jail mandates this action. The court may  
15 exercise its discretion and allow physical presence of inmates for good cause shown.

16 6. All currently scheduled non-essential District Court hearings shall be  
17 conducted by video or telephonic means, decided on the pleadings or rescheduled  
18 unless otherwise directed by the presiding judge. This includes all status hearings,  
19 432B staffings, 432B cases, and juvenile delinquency cases.

20 7. Essential case types and hearings shall be conducted by video or  
21 telephonic means unless the specific case requires in person appearances. Essential  
22 case types and hearings include the following:

- 23 a. Criminal sentencings, arraignments, and probation revocation hearings;
- 24 b. Civil commitment cases;
- 25 c. Guardianship matters except for compliance related hearings which  
26 include annual accountings;

- 1 d. Domestic temporary or extended protections orders;
- 2 e. Juvenile delinquency matters;
- 3 f. Abuse and neglect preliminary protective hearings;
- 4 g. High-risk protective orders;
- 5 h. Civil temporary restraining orders and preliminary/permanent injunctive
- 6 relief hearings;
- 7 i. Probate petitions for orders of cremation;
- 8 j. Other than jury trials, case-by-case exceptions may be ordered at the
- 9 discretion of a District Court Judge;
- 10 k. Drug Court, however, drug court team members are encouraged to
- 11 appear telephonically for staffing and at their discretion may skip court.
- 12 Participants may be required to attend court on an individual basis.

13 8. The Center for Disease Control has advised people to take precautions  
14 and that the best way to prevent illness is to avoid exposure. As a result, the County  
15 is ordered to continue to post a notice at the entrance of all District Court facilities  
16 advising the following people that they may not enter the court facility:

- 17 a. Persons who have been asked to self-quarantine by any doctor,
- 18 hospital, or health agency;
- 19 b. Persons who have been diagnosed with coronavirus or who have
- 20 had contact in the past 14 days with anyone who has been
- 21 diagnosed with COVID-19; or
- 22 c. Persons with unexplained fever, cough or shortness of breath.

23 Anyone attempting to enter in violation of these protocols will be denied entry  
24 by District Court Bailiffs or Deputy Sheriffs.

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1 CIVIL CASES

2 9. Issuance of Summons. A party or lawyer seeking to have the Clerk of the  
3 Court issue summons under NRCP 4(b) shall fax, mail, or email the summons with  
4 the Clerk (or e-file when available), who will issue the summons and return a copy  
5 of it by mail in a stamped, self-addressed envelope provided by the requestor included  
6 for that purpose, or by email.

7 10. Service of Summons. The court recognizes that accomplishing personal  
8 service of process may pose significant challenges at this time, given the closure of  
9 non-essential businesses and stay-home directives. Properly documented service  
10 issues related to the COVID-19 pandemic may constitute “good cause” for the  
11 extension of time for service pursuant to NRCP 4(e), whether the motion is made  
12 before or after the one hundred twenty (120) day service period.

13 11. Extensions of time deadlines. Pursuant to NRCP 6(b), the Court  
14 recognizes the COVID-19 emergency may constitute “good cause” and “excusable  
15 neglect” warranting the extension of time in non-essential civil case types. This does  
16 not apply to the time deadlines the NRCP 6(b)(2) states must not be extended  
17 (motions under NRCP 50(b), 52(b), 59, and 60 and motions made after NRCP  
18 54(d)(2) time has expired).

19 12. Rule 16.1, 16.2, and 16.205 early case conferences. NRCP 16.1, 16.2,  
20 and 16.205 early case conferences should continue to take place but are to be  
21 conducted by telephone, teleconference, videoconference or other remote means.  
22 Until July 1, 2020, if an early case conference cannot be accomplished by alternate  
23 means, it shall be rescheduled. No early case conference shall be conducted in person  
24 while this order is in effect. On stipulation or order entered after motion therefor, the  
25 deadlines for initial disclosures, supplements and other written discovery may be  
26 extended. If not stayed, such discovery shall be exchanged by mail or through

1 electronic means.

2 13. Rule 16 conferences. NRCP 16 pretrial scheduling conferences will still  
3 take place when possible. Rule 16 conferences are to be conducted by video or  
4 telephonic means or, if they cannot be conducted remotely, rescheduled at the  
5 direction of the assigned District Court Judge.

6 14. NRCP 25(a)(1). The COVID-19 pandemic poses special challenges for  
7 dealing with the death of a party and timely substitution of a successor or  
8 representative. To alleviate those challenges, consistent with NRCP 1, NRCP 25(a)(1)  
9 is tolled during the period of the COVID-19 emergency.

10 15. Depositions through remote electronic means. During the period of the  
11 COVID-19 emergency, no in-person depositions shall proceed except on stipulation  
12 or order obtained on motion demonstrating cause therefor. Depositions by remote  
13 means may proceed as provided in NRCP 30(b)(4). The Court interprets NRCP  
14 28(a)(1) and NRCP 30 to allow the deposition officer to be in a separate location  
15 from the deponent. *See* SCR IX-B (A) and (B) Rules 9.

16 16. NRCP 41(e). This order and its predecessor shall operate to stay trials  
17 in civil cases and toll the time for bringing a case to trial for purposes of NRCP 41(e)  
18 until July 1, 2020.

19 17. Non-jury trials in civil cases. Any scheduled non-jury trials in non-  
20 essential civil cases are stayed. On order of the District Court and for good cause  
21 shown, a non-jury trial may be rescheduled or conducted by alternative means.

22 18. Non-jury trials and hearings in civil-domestic cases. Non-jury trials and  
23 evidentiary hearings in civil-domestic cases may be conducted by alternative means  
24 or continued, or be decided on a case-by-case basis.

25 CRIMINAL CASES

26 19. Appearances by in-custody defendants. In-custody defendants will

1 appear by alternate means when possible. No defendant who is in isolation pursuant  
2 to the detention health protocol will be brought for any court appearance. Attorneys  
3 may appear by alternate means, when available.

4 20. Out-of-custody matters. Out-of-custody matters may be decided by the  
5 judge or may be heard at the discretion of the judge if the matter can be heard entirely  
6 by alternate means. Otherwise, out-of-custody matters will be continued, including  
7 status checks for specialty courts.

#### 8 JUVENILE DELINQUENCY

9 21. In-custody juvenile appearance. Subject to constitutional, statutory, and  
10 rule requirements, the court will exercise its discretion to insure that contested  
11 juvenile hearings, detention hearings, admit or deny hearings, certification hearings,  
12 disposition hearings, probation violation hearings, and parole violations for in-  
13 custody juveniles will be held in a way that protects the health and safety of all  
14 involved. These hearings will, if possible, be conducted by alternative means.  
15 Attorneys, probation officers, social workers, parents, guardians, and any other  
16 necessary parties are strongly encouraged to appear by alternative means. Video  
17 appearances are strongly preferred. No in-custody juvenile who is hospitalized,  
18 isolated, or quarantined will be transported to court or appear for a court proceeding,  
19 until the juvenile is no longer under any hospitalization, isolation, or quarantine.

20 22. Out-of-custody matters. All matters where the juvenile is out of custody  
21 shall be heard by audio/video means or will be continued until further order of the  
22 court.

#### 23 JUVENILE DEPENDENCY AND ADOPTIONS

24 23. Abuse and Neglect.

25 a. Initial protective custody hearings will continue to be heard as an  
26 essential case type.

1 b. The COVID-19 pandemic is good cause to continue all  
2 adjudicatory hearings set under NRS 432B.530 until June 1, 2020.

3 c. Disposition hearings held under NRS 432B.540 and NRS  
4 432B.550 currently set will be decided on the report filed with the court.  
5 Attorneys, parents and children may file a report to supplement the  
6 DCFS recommendations for disposition, placement and services. All  
7 disputed dispositions will be heard by teleconference.

8 d. All semi-annual and annual reviews to be heard during the next  
9 30 days under NRS 432B.580 and NRS 432B.590 will be decided on the  
10 reports submitted by DCFS to the court. Attorneys, parents and children  
11 may file a supplemental information for the court's consideration. The  
12 court may notice parties of a court hearing with an appearance by  
13 alternative means for disputed issues.

14 e. Hearings regarding presumptions held under NRS 432B.153,  
15 432B.157, 432B.159 and 432B.555 will be continued for at least 30  
16 days, unless the parties stipulate to the facts a decision can be made on  
17 the papers, and that the court determines extraordinary circumstances  
18 exist to proceed with the hearings.

19 24. Termination of Parental Rights.

20 a. Uncontested motions to terminate parental rights under  
21 432B.5901 and any unrelated motions may be decided on the pleadings  
22 and papers filed unless the court determines a hearing is required.  
23 Contested motions shall be continued or heard by audio/visual means if  
24 all parties are in agreement.

25 b. All mediations conducted pursuant to NRS 432B.5904 will be  
26 continued 30 days unless arrangements can be made to hold the



1 mediation by alternative means.

2 25. Adoptions. Adoptions will be conducted by alternative means unless the  
3 court determines otherwise.

4 FINAL PROVISIONS

5 26. Attorney obligations. Attorneys, as officers of the court, have ethical  
6 obligations for cooperative civility under normal circumstances. This Court, under the  
7 present emergency, reminds attorneys that they have an obligation to be cooperative  
8 with courts and each other as we all navigate this emergency.

9 27. Duration. This order shall be reviewed no later than every 30 days and  
10 shall remain in effect until thirty (30) days following the expiration of the March 12,  
11 2020 Governor's Emergency Declaration or until modified or rescinded by a  
12 subsequent order, whichever occurs earlier.

13 DATED this 5<sup>th</sup> day of May, 2020.

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STEVE L. DOBRESCU  
Chief District Court Judge, Dept. 1