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2018 AUG 10 A 11:40

FERNLEY MUNICIPAL COURT

CLERK

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6 **IN THE MUNICIPAL COURT OF THE CITY OF FERNLEY**
7 **COUNTY OF LYON, STATE OF NEVADA**
8

9 **IN THE ADMINISTRATIVE MATTER OF:**
10 **MOTIONS AND STIPULATIONS TO**
11 **CONTINUE COURT HEARINGS AND TRIALS**

ADMINISTRATIVE ORDER 18-1

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Whereas the Supreme Court of the State of Nevada entered an Order on June 11, 2012 Adopting Uniform Rules of Court for the Rural Justice Courts of Nevada; and

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Whereas the Supreme Court of the State of Nevada ordered that the Local Rules of Practice for the Rural Justice Courts in the State of Nevada shall be adopted and placed into effect 30 days from the date of the order; and

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Whereas NRS 5.073 provides that the practice and proceedings in the municipal court must conform, as nearly as practicable, to the practice and proceedings of justice courts in similar cases. The municipal court must be treated and considered as a justice court whenever the proceedings thereof are called into question; and

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Whereas the Fernley Municipal Court adopted the rules known and cited as the Rural Justice Court Rules or RJCR on August 11, 2014; and

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Whereas the Local Rules of Practice for the Rural Justice Courts in the State of Nevada provide for the following:

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1. Rule 10. Motions for continuance: Contents, service of affidavits; counter-affidavits; argument states "All motions for the continuance of cases shall be made on affidavit, except where is shall appear to the court that the moving party did not have time to prepare an affidavit, in which case counsel for the moving party need only be sworn and orally testify to the same factual matters as hereinafter required for an affidavit"

1 2. Rule 13. Stipulations to be made in writing or entered in court minutes states "No
2 agreement between the parties with respect to the proceedings or pleadings will be
3 regarded unless it is in writing subscribed by the party against whom the same shall be
4 alleged, or unless it has been confirmed by a written order of the court."

5 Whereas the practice of this court for granting stipulations for continuances has been
6 called into question.

7 **IT IS HEREBY ORDERED:**

- 8 1. No continuance of the court's pretrial calendar shall be granted, including a stipulated
9 continuance, except for good cause, as determined by the Court.
- 10 2. Motions and stipulations for a continuance of any proceeding assigned to the court's
11 pretrial calendar shall be in writing, state the reason therefore, and whether or not a
12 continuance has previously been sought or granted. The party seeking a continuance
13 shall obtain a new court date and time from the Clerk of the Court prior to submitting a
14 proposed Order to Continue. The Stipulation to Continue and the Order to Continue
15 must be substantially in the same format as provided for in Exhibit 1 and Exhibit 2 of
16 this Administrative Order.
- 17 3. All parties must appear at time of hearing unless an Order to Continue has been filed
18 with the court. Failure to appear for hearing may result in the issuance of an Order to
19 Show Cause or the issuance of a Bench Warrant.
- 20 4. This Administrative Order will become effective immediately and be in effect until
21 specifically modified or rescinded by subsequent Administrative Order.

22 Dated this 10th day of August, 2018.

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25 Lori Matheus
26 Municipal Court Judge
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EXHIBIT 1

1 Case No. _____
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6 **IN THE MUNICIPAL COURT OF THE CITY OF FERNLEY**
7 **COUNTY OF LYON, STATE OF NEVADA**
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9 CITY OF FERNLEY,
10 Plaintiff,

11 vs.

STIPULATION TO CONTINUE

12 _____,

13 Defendant.

14 _____ /

15 We agree that the hearing scheduled on _____
(Month, day, year)

16 at _____ AM PM be continued for the following reason(s):
(Time)

17 _____
18 _____
19 _____
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21 There have been _____ requests for continuance sought and/or granted.

22 We declare, under the penalty of perjury under the law of the State of Nevada, that the
23 foregoing statements are true and correct.

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25 Dated: _____

Dated: _____

26 Signature: _____

Signature: _____

27 Print Name: _____

Print Name: _____

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EXHIBIT 2

1 Case No. _____
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6 **IN THE MUNICIPAL COURT OF THE CITY OF FERNLEY**
7 **COUNTY OF LYON, STATE OF NEVADA**
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9 CITY OF FERNLEY,

10 Plaintiff,

11 vs.

ORDER TO CONTINUE

12 _____,

13 Defendant.
14 _____/

15 Based upon the Stipulation to Continue filed by the parties and good cause appearing;

16 **IT IS HEREBY ORDERED** that the _____ currently set for

17 _____, _____. 20____ at _____ a.m./p.m., is hereby reset to the _____

18 day of _____, 2018 at _____ p.m.

19 Dated this _____ day of _____, 20____.

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21 _____
22 **Lori Matheus**
23 **Municipal Court Judge**
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1 Administrative Order 18-1

3 **CERTIFICATE OF MAILING**

4 Pursuant to NRCP 5(b), I certify that I am a Court Clerk of the Fernley Municipal court
5 and that I deposited with the United States Postal Service a copy of the Administrative Order
6 18-1 addressed to:

8 Brandi Jensen, City Attorney
Hand Delivered

Brent Kolvet-Deputy City Attorney
Hand Delivered

9 Chad Pace-Deputy City Attorney
10 Hand Delivered

11 Kenneth V Ward, Esq
P O Box 2500
12 Fernley NV 89408

Sandra A. Unsworth Esq
202 California Avenue
Reno NV 89509

13 Steve Sexton, Esq
526 Lander Street
14 Reno NV 89408

Paul R. Wolfe
432 Court Street
Reno NV 89501

15 William Roustis II, Esq
1070 Monroe Street
16 Reno NV 89409

Matt Work, Esq
226 Hill Street
Reno NV 89501

17 John Routsis, Esq
Routsis Hardy-Cooper
18 515 Court Street 1st Floor
Reno NV 89501

Roberto Puentes Jr
P O Box 2421
Reno NV 89505

19 Leann Schumann, Esq
20 22 State Route 208
Yerington NV 89447

Richard Molezzo, Esq
1325 Airmotive Way #380
Reno NV 89502

21 Kenneth A Stover, Esq
22 P O Box 3072
Reno NV 89505

Jesse Kalter Law,
780 Vista Bld Suite 500
23 Sparks NV 89434

24 Mark Thierman, Esq
7287 Lakeside Drive
25 Reno NV 89511

Jenny Hubach, Esq
435 Court Street
Reno NV 89501

26 David Houtson Esq
432 Court Street
27 Reno NV 8950

John C Hope Jr
639 Isbell Road, Suite 340
Reno NV 89509

28

1 Steven Hess Esq
3500 Lakeside Ste 150
2 Reno NV 89509
3 Joey Gilbert Law
201 W. Liberty Suite 201
4 Reno NV 89501
5 Larry Dunn, Esq
1188 California Avenue
6 Reno NV 89509
7 Cotter Conway, Esq
P O Box 17506
8 Reno NV 89511
9 Dennis Cameron, Esq
204 Marsh Avenue Suite 200
10 Reno NV 89509
11 Taggart & Taggart Law
108 N. NMinnesota Street
12 Carson City NV 89703

Steve E Evenson, Esq
126 S. Taylor Street
Fallon NV 89406
Alan R Erb
P O Box 133
Gardnerville NV 89410
Richard Davies
634 W. Second Street
Reno NV 89503
Robert Bell, Esq
326 W. Liberty Street
Reno NV 89501
Wayne Pederson
107 N Main Street
Yerington NV 89447
Mouritson Law
795 E Main Street
Fernley NV 89408

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14 Dated this 10th day of August, 2018.

15 By: 
16 Kathy Bennett
17 Court Clerk
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