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# Litigation & Trial/Evidentiary Hearing Preparation

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Attendee Manual

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Legal Aid Center of Southern Nevada

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The purpose of this manual is to provide you with a general understanding of litigation and trial preparation—specifically family law matters in Clark County, Nevada. These materials should not be relied on as legal authority or substitute as advice of an attorney.

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## PART 1: LEGAL RESOURCES AVAILABLE TO YOU

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### Family Court

Family Court is a division of the Eighth Judicial District and the Judges are State District Court Judges. Family Court handles a range of family law issues including divorce, child custody, paternity, guardianship, termination of parental rights, and domestic violence protection orders.

Most Family Court Judges are located at the Family Courts and Service Center, but some are located at the Regional Justice Center. It is important to determine which building your Judge is in early in the case.

- Family Courts and Service Center: 601 N. Pecos Road (at Bonanza), Las Vegas, Nevada 89101; (702) 455-2385.
- Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada 89155; (702) 671-4528.

### Family Law Self-Help Center

The Family Law Self-Help Center provides legal information and forms to those who represent themselves in domestic matters in the Clark County court system. The mission of the Center is to increase informed access to the court by providing education, information, legal forms, community referrals and support services to self-represented civil litigants, regardless of their income. Legal Aid Center of Southern Nevada operates and staffs the Center under a contract with the Eighth Judicial District Court.

The Family Law Self-Help Center is located in the Family Court at 601 N. Pecos Road, Las Vegas, Nevada, 89101 on the first floor. The Center is open 8:00 a.m. to 4:00 p.m. Monday-Friday (except holidays and other non-judicial days when the court is closed). Assistance is available to walk-in customers on a first-come-first-serve basis. Appointments are available. The Center also provides assistance over the telephone, e-mail, and chat via their website. You can find all the ways to contact staff at <https://www.familylawselfhelpcenter.org/contact> . Please visit the Family Law Self-Help Center website for updates about current operations during COVID-19.

The staff at the Center can provide you with:

- Court forms and instructions
- Review of completed forms
- Information about court rules, procedures, and practices
- Information on how to represent yourself in court
- Referrals for lawyer referral services, legal aid programs and other community resources where you might obtain legal assistance or services
- Information on free legal classes and educational materials on various legal topics
- Referrals to free Ask-a-Lawyer sessions for domestic matters

The staff at the Center cannot:

- File your court papers for you
- Evaluate your case or advise whether or not your case should be brought before a judge
- Provide legal advice about how the law applies to your facts
- Change an order signed by a Judge
- Give an opinion or predict how a Judge might rule in your case
- Talk to the Judge or pass a message to a judge

The Self-Help Center provides court forms free of charge. Forms can be downloaded from the Self-Help Center website. The website includes detailed instructions on how to complete the forms and the filing process. These forms are fill-in-the-blank forms that do not need to be retyped. Computers are available in the center if you prefer to type in your information rather than use handwriting.

## **Family Law Ask-A-Lawyer Program**

Legal Aid Center of Southern Nevada's Pro Bono Project has volunteer attorneys available to meet with self-represented people about their family law case. Attorneys are available for free 15-minute private consultations to discuss family law issues. No children are allowed at the consultations.

The Family Law Ask-A-Lawyer Program takes place every Thursday afternoon from 2:00 p.m. to 5:00 p.m. via telephone. Space is limited, and you must register in advance in order

to talk with an attorney. Sign up at [lacsns.org/what-we-do/ask-a-lawyer](http://lacsns.org/what-we-do/ask-a-lawyer) or by calling (702) 386-1070 x 1731 (phone sign-ups begin Monday mornings at 8:30 a.m.).

## State Bar of Nevada Lawyer Referral Service

The State Bar of Nevada has both a lawyer referral service and a program offering low cost legal consultations. Call (702) 382-0504 for information.

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## PART 2: BASICS OF TRIALS AND EVIDENTIARY HEARINGS

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Your case will go through many steps before the judge sets a trial. There may be motions filed, settlement conferences, etc. A flowchart of the possible steps in a divorce case is attached to this manual (see page 21). If you and the other party are not able to settle your issues and reach a full agreement, the judge will set an *Evidentiary Hearing* or a *Trial*. If the judge sets an evidentiary hearing or a trial in your case, you can find information in this manual about which documents are required, how to request and respond to Discovery requests, how to prepare for Trial and Evidentiary Hearings, and what to expect on your Court date.

### Evidentiary Hearing

An evidentiary hearing is a hearing where the judge makes a final decision about one part of the case.

Both sides are expected to present witnesses and evidence to support each person's view of the case.

### Trial

A trial is a final hearing where the judge will decide all remaining issues and grant a final order.

Both sides are expected to present witnesses and evidence to support each person's view of the case.

## Trial Management Orders / Deadlines

There are many deadlines provided by the court for a trial or evidentiary hearing to keep everyone on track. You will find these in an order issued by the court, often called a Case Management Order, Trial Management Order, or Evidentiary Hearing Order. It is very important to track these deadlines in your calendar and to not miss any of these deadlines.

Examples of deadlines in these orders: disclosing witnesses, getting documents, providing and obtaining discovery, filing a pretrial memorandum, etc. The Order may also set dates for Calendar Call and Trial. See sample Order on page 22.

### **What happens if I miss a deadline?**

- You may not have an opportunity to present your evidence to the court.
- Information the opposing party puts forward could be deemed “proved,” in your absence.
- You could face potential penalties or sanctions, including having to pay the opposing party’s attorney’s fees and costs.
- Your case could be dismissed.

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## **PART 3: KNOW WHAT YOU HAVE TO PROVE**

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The trial /evidentiary hearing is your chance to prove your case to the judge. Many of the common issues decided at trial are based on multiple factors that the judge has to consider. For instance, child custody, alimony, and relocating with a child all involve many factors the court has to consider.

If your evidentiary hearing/trial is regarding one of these issues, get very familiar with the list of factors the judge will evaluate. Your pre-trial planning, selection of witnesses, selection of exhibits, etc., should all be geared towards supporting the factors involved. The judge’s final decision will be largely based on how many of the factors you and the other party prove (or fail to prove) at trial.

### **Child Custody Best Interest Factors (NRS 125C.0035)**

In determining the best interest of the child, the court shall consider and set forth its specific findings concerning, among other things:

- a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to his or her physical custody.
- b) Any nomination of a guardian for the child by a parent.
- c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.
- d) The level of conflict between the parents.
- e) The ability of the parents to cooperate to meet the needs of the child.
- f) The mental and physical health of the parents.

- g) The physical, developmental and emotional needs of the child.
- h) The nature of the relationship of the child with each parent.
- i) The ability of the child to maintain a relationship with any sibling.
- j) Any history of parental abuse or neglect of the child or a sibling of the child.
- k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child or any other person residing with the child.
- l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

### **Child Custody Relocation Factors (NRS 125C.007)**

- 1) In every instance of a petition for permission to relocate with a child that is filed pursuant to NRS 125C.006 or 125C.0065, the relocating parent must demonstrate to the court that:
  - a) There exists a sensible, good-faith reason for the move, and the move is not intended to deprive the non-relocating parent of his or her parenting time;
  - b) The best interests of the child are served by allowing the relocating parent to relocate with the child; and
  - c) The child and the relocating parent will benefit from an actual advantage as a result of the relocation.
- 2) If a relocating parent demonstrates to the court the provisions set forth in subsection 1, the court must then weigh the following factors and the impact of each on the child, the relocating parent and the non-relocating parent, including, without limitation, the extent to which the compelling interests of the child, the relocating parent and the non-relocating parent are accommodated:
  - a) The extent to which the relocation is likely to improve the quality of life for the child and the relocating parent;
  - b) Whether the motives of the relocating parent are honorable and not designed to frustrate or defeat any visitation rights accorded to the non-relocating parent;
  - c) Whether the relocating parent will comply with any substitute visitation orders issued by the court if permission to relocate is granted;
  - d) Whether the motives of the non-relocating parent are honorable in resisting the petition for permission to relocate or to what extent any opposition to the petition for permission to relocate is intended to secure a financial advantage in the form of ongoing support obligations or otherwise;
  - e) Whether there will be a realistic opportunity for the non-relocating parent to maintain a visitation schedule that will adequately foster and preserve the parental relationship between the child and the non-relocating parent if permission to relocate is granted; and
  - f) Any other factor necessary to assist the court in determining whether to grant permission to relocate.
- 3) A parent who desires to relocate with a child pursuant to NRS 125C.006 or 125C.0065 has the burden of proving that relocating with the child is in the best interest of the child.

### **Alimony Factors (NRS 125.150(9))**

In addition to any other factors the court considers relevant in determining whether to award alimony and the amount of such an award, the court shall consider:

- a) The financial condition of each spouse;
- b) The nature and value of the respective property of each spouse;
- c) The contribution of each spouse to any property held by the spouses pursuant to NRS 123.030;
- d) The duration of the marriage;
- e) The income, earning capacity, age and health of each spouse;
- f) The standard of living during the marriage;
- g) The career before the marriage of the spouse who would receive the alimony;
- h) The existence of specialized education or training or the level of marketable skills attained by each spouse during the marriage;
- i) The contribution of either spouse as homemaker;
- j) The award of property granted by the court in the divorce, other than child support and alimony, to the spouse who would receive the alimony; and
- k) The physical and mental condition of each party as it relates to the financial condition, health and ability to work of that spouse.

### **Additional Relevant Laws (Nevada Revised Statutes) and Rules:**

- NRS Chapter 125 (divorce/dissolution of domestic partnership)
- NRS Chapter 125C (custody/visitation)
- NRS Chapter 126 (paternity)
- NRS Chapter 125B and NAC 425 (child support)
- Nevada Rules of Civil Procedure
  - NRCP 16.2 (divorce/dissolution)
  - NRCP 16.205 (custody/paternity)
- Eighth Judicial District Court Rules
  - EDCR 5

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## **PART 4: DISCOVERY**

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Discovery is the process that allows each party to share and gather information to build their case. The purpose of discovery is to make sure that you and the other party exchange information so you both know what the other will be presenting to the judge. Unlike what is portrayed on TV and in the movies, there is rarely any surprise evidence or surprise witnesses allowed.



Because each case is different, there is no standard way to do discovery. You should consult with an attorney for assistance in understanding and conducting your own discovery. Remember, it is important to meet all deadlines for discovery!

**The discovery stage is important for a number of reasons:**

- **It allows each side to prepare for trial/evidentiary hearing.** During discovery, the parties gather the evidence they will need to submit at trial/evidentiary hearing to prove their case or defend against the other side's claims. Evidence includes but is not limited to witnesses, documents, emails, text messages, pictures, and videos.
- **It allows parties to explore the strengths and weaknesses in the case.** Using discovery tools, the parties have the chance to talk to the other side and to witnesses, to see what documents and evidence the other side has that may help or hurt the case. Additionally, the parties are able to learn the other side's position(s) on critical facts and legal issues.
- **It allows the parties to consider settling.** Once each party knows what evidence exists to support or weaken their claims and defenses in the case, they are in a good position to talk about settling the case without going to trial.

**Discovery Methods:**

The Nevada Rules of Civil Procedure (NRCPP) detail the different ways you can conduct discovery. NRCPP 26 outlines the rules relating to all discovery methods. The most common discovery methods are:

- **Depositions (NRCPP 30):** In a deposition, a potential witness, including the parties, is questioned under oath in the presence of parties, their attorneys, and a court reporter. At a deposition, the witness will answer questions asked by the parties or their attorneys. The questions and answers will be transcribed into writing by a court reporter. Depositions may also be recorded to produce a video record. The judge is not present, but a transcript of the deposition may be presented at trial. The party who wants to take the deposition must pay the costs associated with it (court reporter fees, witness fees, transcript preparation, etc.).

- **Interrogatories (NRCP 33):** Interrogatories are written questions to the other party about things that are relevant or important to the case. Interrogatories are limited to 40 questions, including subparts. You will need to seek the Court's permission if you would like to ask more than 40 interrogatories. Questions must be related to your case. The responding party must send back written answers to the questions within thirty days.
- **Requests for Production of Documents, Electronically Stored Information, and Tangible Things (NRCP 34):** In this type of discovery, you ask the other side in writing to provide particular documents, files, or physical things to you. You can also request to inspect land or property. The other side must send back written responses to your requests within thirty days.
- **Requests for Admissions (NRCP 36):** This is a written request asking another party to admit or deny certain facts about the case. The responding party must admit, deny, or object to each request. If the responding party admits a request, that fact is deemed conclusively established unless the Judge orders otherwise. If the other side does not deny or object to the requests within thirty days (with some exceptions), they are considered admitted.
- **Subpoena (NRCP 45):** There are different kinds of subpoenas depending on what you are asking for. The common ones are:
  - **Regular Subpoena:** This is an order requiring a person to attend a particular event or proceeding, such as a trial/evidentiary hearing. Unless you are absolutely certain a person will show up to court, you should ordinarily serve a subpoena on all witnesses you need to testify at trial. Sometimes a witness's employer may require you to subpoena a witness before they allow the witness to testify. It is a good idea to subpoena your witnesses as soon as possible so they can make arrangements for work, childcare, transportation, etc.
  - **Subpoena Duces Tecum for Business Records:** A Subpoena Duces Tecum for business records is an order requiring a business/organization to provide documents relevant to the case. Make sure you are reasonable with these requests, as you will often be charged for copies of the documents. You are required to serve the other party with a notice of intent to serve a subpoena seven days prior to serving a subpoena. The business can return the requested records to you with

a notarized Certificate of Custodian of Records, which you must provide to the court for the documents to be validly admitted. See sample on pages 34-40.

You must submit your completed subpoena form to the court clerk who will issue the subpoena (meaning the clerk will sign or stamp it). After it is issued, you will need to arrange to have the subpoena personally served to the person/business named in the subpoena. The subpoena can be served by a constable, sheriff, private process server, or any person over eighteen years old who is not a party to the case.

If you are subpoenaing a witness, you must also serve a check for a witness fee. The fees are currently \$25 a day plus \$0.56 per mile (estimate the number of miles for a round trip to the court or wherever you are requiring the person to appear).

You must file proof of service of the subpoena with the court. An affidavit of service is included as part of the subpoena form. The person who serves the subpoena must fill out the affidavit of service, and you will file the entire subpoena with the court clerk.

### **Responding to Requests from the Other Party:**

If you are served with discovery requests (such as the ones listed above), do not ignore them. You are usually required to respond within 30 days, but make sure you check the exact deadline provided. Do your best to respond to the discovery requests and make sure you are providing accurate information. See samples on pages 64-68.

If you do not know how to respond to discovery requests, it is best to seek legal advice as soon as possible. If you do not respond, you risk having facts deemed as admitted, or the other side can file a *Motion to Compel* setting a hearing with the Discovery Commissioner to make you comply with the discovery request. The Discovery Commissioner can sanction you for not responding to a discovery request by holding you in contempt of court, ordering you to pay the other party's attorney's fees and costs, or prohibiting you from using your evidence or presenting your argument in trial/evidentiary hearing.

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## PART 5: PRE-TRIAL PREPARATION

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There are a number of documents you will have to provide to the court prior to your trial date. If you do not provide these documents by the required deadlines, the judge can prevent you from using the documents and witnesses at trial!

### **Pre-Trial Memorandum / Evidentiary Hearing Memorandum**

This is a summary of your arguments, as well as a list of witnesses and evidence that you plan to use at trial. This may also be called a Pre-Trial/Evidentiary Hearing Brief. The Memorandum must be filed and served on the other party seven days prior Calendar Call or 14 days before the trial/evidentiary hearing if there is no Calendar Call unless the judge orders a different deadline. See samples on pages 41-47.

### **Financial Disclosure Form**

This form requires you to provide information to the court regarding your employment, and finances. In a divorce case, you will also disclose all assets and debts. Even if you have already filed a Financial Disclosure Form, the judge usually requires you to file an updated Financial Disclosure Form before your Evidentiary Hearing/Trial. See samples on pages 48-55.

### **List of Witnesses**

You must disclose the witnesses you intend to call to the stand at trial by filing a *List of Witnesses*. This is generally due at least 45 days before your trial, but check your Trial Setting Order/Case Management Order to be sure. There are different deadlines for expert witnesses that will be listed in your Trial Setting Order. See samples on pages 28-29.

If you are debating calling a witness, it is recommended to list them, even if you may not end up calling them during trial. It is better to have someone who may have valuable information on the list as an option, than to not list someone and wish you could call on them later.

You have to file this form with the court and serve the other side with a copy. There is a Certificate of Service attached that you must fill out as proof that you gave the other side a copy.

## List of Exhibits

You must disclose the documents or other exhibits you intend to present at trial by filing a *List of Exhibits*. This is generally due at least 21 days before trial, but check your Trial Setting Order/Case Management Order to be sure. See samples on pages 30-31.

You must also provide a copy of the exhibits you will use to the opposing party. You can attach them to the form, or you can provide them separately.

When you provide your exhibits to the other party, they should be Bate stamped. Bate stamping is sequential numbering on all of your exhibits in the lower right-hand corner of each page. You should put a “P” before every number if you are the plaintiff and a “D” before every number if you are the defendant.

- Plaintiff example: Exhibit 1 (2 pages) would be labeled P001 and P002, followed by Exhibit 2 (3 pages) labeled P003, P004, and P005.
- Defendant example: Exhibit A (2 pages) would be labeled D001 and D002, followed by Exhibit B (3 pages) would be labeled D003, D004, and D005.

You have to file the *List of Exhibits* with the court and serve the other side with a copy. There is a Certificate of Service attached that you must fill out as proof that you gave the other side a copy.

## Exhibit Binder

You must provide copies of all the exhibits you plan to present at trial to the court.

Due to COVID-19, all exhibits are generally required to be submitted in an electronic format. Refer to the Trial Management Order or Evidentiary Hearing Management Order or contact your Judge’s department for instructions on how to ensure everyone receives electronic copies of your exhibits.

If the use of electronic exhibits is not possible, exhibits should be submitted to your judicial department at the direction of the Judge. The rest of this section explains how to submit paper copies, which you should only do if allowed by your judge.

If your Judge requires that you provide paper copies, you must organize all of your exhibits that you plan to present at trial/evidentiary hearing in a binder. You may need to prepare up to **five binders with the same exhibits**: one for yourself, one for the other party, one for the judge, one for the witness stand, and one for the court clerk. This is to ensure everyone has copies of the documents at trial/evidentiary hearing. You must provide the Judge's Clerk's binder to the Clerk at least two days before trial/evidentiary hearing, unless the Judge orders differently.

- **You will need to label each exhibit (in the order they appear in the binder), include a tabbed cover sheet for each exhibit.**
  - Plaintiffs use numbers for the exhibits (ex: Exhibit 1, 2, 3, etc.).
  - Defendants use letters for the exhibits (ex: Exhibit A, B, C, etc.). If you are the defendant and using more than 26 exhibits, you will then double the letters following the initial alphabet labeling (ex: Exhibit Z, AA, BB, etc.). If you use more than 52 exhibits, you will then triple the letters (ex: Exhibit ZZ, AAA, BBB, etc.).
  - You must include a tabbed separator page before each exhibit that should be labeled "Exhibit \_\_\_\_". For example:
    - If you are the plaintiff and this is your second exhibit, the separator page would say "Exhibit 2" in the center of the page with nothing else on the page.
    - If you are the defendant and this is your second exhibit, the separator page would say "Exhibit B" in the center of the page with nothing else on the page.
- **You will need to bate stamp every page of every exhibit.**
  - Do not Bate stamp the exhibit cover or separator pages.
- **You will need to create a cover page with a table listing all of the exhibits in the binder.**
  - This page will contain the case caption, parties' names, case and department number, and titled either "Plaintiff's Exhibits" or "Defendant's Exhibits."

Below this information, you should have a table with six columns with the following labels: Exhibit, Description, Bate Stamp, Offered, Objected to, and Admitted. Example:

#### **PLAINTIFF'S TRIAL EXHIBITS**

**Caption**

**Case No.**

Exhibit	Description	Bate Stamp	Offered	Objected TO	Admitted
1	Photos of Damaged to Walls	001-002.			
2					
3					
4					

When you turn in your binder, you will have completed the first three columns. Leave the last three columns blank. You can make notes in these columns in your own copy of the binder.

#### **Calendar Call/Pre-Trial Conference/Pre-Evidentiary Hearing Conference**

If your judge schedules a Calendar Call/Pre-Trial Conference/Pre-Evidentiary Hearing Conference, this is your last hearing before your trial/evidentiary hearing. At this hearing, you will discuss any outstanding issues and whether you and the other party are prepared to go forward on the trial date. You will inform the judge of whether there have been any agreements or possibility of settlement. You will also be able to notify the Judge if you need any audio/visual equipment for trial/evidentiary hearing.

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## **PART 6: THE TRIAL/EVIDENTIARY HEARING**

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### **General Tips**

1. Arrive early—account for time to park, go through security, and get to your courtroom before your scheduled start time.
2. Dress professionally—slacks and a nice shirt are appropriate.
3. Bring your documents. Make sure you have access to all exhibits, including the other party's, by bringing paper copies or a laptop/tablet where you can view them. Bring extra binders with Exhibits, if required by your judge.
4. Bring paper and pens to take notes.
5. Make sure your witnesses are present.
6. If your Trial/Evidentiary Hearing is scheduled for a full day, consider bringing lunch as you may not have time to leave the Courthouse to eat.
7. Follow the directions of the courtroom Marshal and the Judge.
8. Speak to the judge; do not speak to the other side during the court proceeding. Always refer to the judge as “your Honor” or “Judge.”

### **Opening Statement**

At the start of a trial/evidentiary hearing, the Judge may allow each party to give an opening statement which gives a brief outline of the evidence that will be presented. The plaintiff (or moving party) goes first, followed by the defendant (or the party opposing the motion). Do not present arguments or get into legal details at this point in time. This is just a chance for you to give a short statement of your case.

Make sure to practice this statement before court. This is your prepared statement to give the judge initial information. Read through it a number of times so that you are comfortable reciting it from memory or reading aloud for the Court.



## Questioning Witnesses

The plaintiff (or moving party) calls witnesses first. For each witness, you will state the following to the judge: “Your honor, I would like to call (name of witness) to the stand.” The witness will then be sworn in before they begin testifying.

The person who calls the witness to the stand will be able to ask questions first in *direct examination*. When that person is done asking questions, the other party can ask questions through *cross-examination*. The person who initially called the witness will then be able to ask questions during *re-direct examination*.

During your questioning of witnesses, you will also admit your exhibits into the record. Present relevant exhibits to witnesses and follow the protocol for admitting exhibits.

Most likely, you will want to testify to tell the judge things about your case. You can call yourself as a witness. You do not need to ask yourself questions. However, it is important to have a plan about what you want to say. Focus on one issue at a time. You can also give the judge a framework for what you are going to talk about, for example “First, I am going to talk about the children’s medical issues” or “Now I am going to talk about the bank accounts.” You can also use your testimony to admit your exhibits. After you finish your testimony, the other party will get to ask you questions through cross-examination.

While the other party is questioning witnesses, you may object to a question or the witness’s testimony if you believe the question or the testimony should not be considered by the judge for a valid reason.

Once the moving party is done calling all of their witnesses, the opposing party will have the opportunity to call their witnesses and the process above will repeat.

The charts on the next pages give you an overview of how to question witnesses, common objections you might want to use, and how to get exhibits admitted.

### Direct Examination

- During direct examination, you will mostly ask the witness open-ended questions
- The questions should allow the witness to testify as to what the witness knows, saw or experienced.
- The questions should be specific to the witness and relevant to your case
- To make the witness feel comfortable, it is a good idea to start with some basic questions, including their name, where they work or attend school (if they do so), how they know you/the opposing party, etc.

- One way to ensure you are asking open-ended questions is to begin your questions with who, what, when, where, why, or how.

### **Cross-Examination**

- Cross-examination is when you get to question the other party's witness.
- Cross-examination is used to poke holes in the witness's testimony or discredit the witness.
- You may ask leading questions (questions that prompt yes/no answers). For example, "You did not actually see her leave the house, did you?" or "You witnessed her leave the house, correct?"
- Cross-examination is usually limited to subjects that were raised during direct examination of the witness.

### **Best Practices of Questioning Witnesses**

- You should speak with your witnesses (not the opposing party's witnesses) before the court date. Make sure the witnesses are aware of what you will be asking.
- Be prepared! Write down important questions beforehand so you do not forget them.
- Listen to the witness! Ask questions that make sense based on the answers being provided.
- Do not argue with a witness or the opposing party; you may object as appropriate.
- If you feel that a witness is not telling the whole truth when the other party is questioning them, wait until it is your turn to ask the witness your own questions.

### **Re-Direct Examination/Re-Cross**

- During re-direct examination, the party who initially called the witness may ask additional questions of the witness.
- Re-direct is used to clarify new (unexpected) issues or facts brought up during the cross-examination only.
- The other party will get an opportunity cross-examine the witness again based on their testimony during Re-direct.
- Re-direct and Re-cross is at the discretion of the judge and may not be allowed at times.

## Common Objections

- While the opposing party is questioning a witness, you may object to a question or the witness's testimony.
- The following are common objections you may use:
  1. Relevance (not related to anything involved in the case)
  2. Asked & Answered (repetitive question already answered)
  3. Leading Question (leading question being asked during direct examination)
  4. Compound Question (question asking multiple things)
  5. Argumentative (party is arguing with or badgering a witness; commonly used during cross-examination to protect a witness)
  6. Hearsay (statement by a third party offered for the truth of the statement—there are many exceptions though. See NRS Chapter 51)

## Admitting Exhibits (Documents, Photos, etc.)

- Your exhibits prepared for court are not entered into the record unless you properly admit them and witnesses can assist you with getting them admitted.
- With each exhibit, you must take the following steps to admit them:
  1. Your exhibit will already be marked by the clerk at this point.
  2. You will ask the witness to turn to the Exhibit in the Witness binder (for example, "Please turn to Plaintiff's Exhibit 1").
  3. You will then lay the foundation: Ask the witness to identify what the exhibit is, if they are familiar with it, and if it is accurate.
  4. Once the witness has identified the exhibit and its authenticity, you will ask the judge to admit the exhibit into the record.
- If you subpoenaed documents and include the appropriate Affidavit of Custodian of Record form, the entity providing the documents, then you do not have to question a witness to get that evidence admitted. You just need to identify the Exhibit and the Affidavit of Custodian of Record and ask the Judge to admit it.

## Closing Argument

When all of the witnesses are done testifying, the judge may ask each party to give a *Closing Argument*. This is a final summary of the evidence that was presented at the hearing.

- This is your opportunity to persuade the judge to rule in your favor.
- Prepare a closing argument before the trial/evidentiary hearing. You will want to make edits as the trial/evidentiary hearing goes on, based on the evidence and witness testimonies.
- Explain how the witnesses' testimony and the exhibits admitted support your case.
- Point out problems with the other side's case.
- Tell the Judge how you want them to rule on each issue. For example:
  - How do you want property and debts divided?

- What custody do you want?
- What should the visitation schedule be?

## **The Final Decision**

The judge then considers all of the evidence presented and makes a decision. The judge may make a decision immediately in court. Or the judge may take the case under advisement – they may want to think about the evidence for a while and write their decision later.

After the judge issues their decision, the decision is not enforceable until it is written and signed into an official order. For example, even if the judge granted a divorce at trial, the divorce is not final until the Divorce Decree is signed by the judge and filed with the Clerk of Court.

The Judge may prepare the final order themselves and file and serve the parties. Or, the Judge may pick one party to prepare the order from the hearing. If the judge orders you to prepare the final order, the Self-Help Center has forms you can use.

---

## **PART 7: APPEALS**

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If you disagree with the judge's decision after your trial/evidentiary hearing, you can file an appeal. An appeal is a request to have a higher court change a judgment of a lower court. It must be filed within **30 days** of the written notice of entry of the final order.

When you appeal, the entire case is reviewed by a higher court. The appeals court will look at the evidence that was presented to the district court to decide whether some legal error was made. You will not be able to submit new evidence. Depending on what the appeals court decides, it can set aside, confirm, or modify the district court's judgment and could order a new trial/evidentiary hearing.

**IMPORTANT: Appeals can be complicated, expensive, and lengthy. Before you decide to file an appeal, it is a good idea to meet with a lawyer and find out if you have a basis to appeal and the likelihood of success.**

## Litigation & Trial Prep Forms

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# Overview of DIVORCE Process

## File A Complaint for Divorce Separately

If the spouses do not agree on the terms of the divorce, one person can file a Complaint for Divorce.

Defendant has to be served within 120 days.

## File a Joint Petition for Divorce Together

If both spouses agree to all the terms of the divorce, they can fill out a Joint Petition for Divorce, and sign the document in front of a notary. The spouses fill out a few other court forms, and turn them in to the judge for approval.

Usually, no hearing is needed. Once approved, the parties are divorced.

## Serve The Defendant

Plaintiff must arrange to have someone over 18 who is not involved in the case serve Defendant with the Complaint and Summons. Defendant has 21 days to file a response.

## Alternate Service / Publication

If Defendant cannot be found, Plaintiff can request permission to serve through other means (email, mail, etc), or by publishing a notice in a newspaper.

## If Defendant Files An Answer:

The Court will set a "Case Management Conference" within 90 days. Both parties must attend the hearing. At the hearing, the judge will find out what the parties agree and disagree on.

## If Defendant Does Nothing:

Plaintiff can ask the Court to issue a "default" against the Defendant. If a default is issued, Plaintiff must fill out final papers requesting a final divorce without the Defendant's signature.

## Motion for Temporary Orders

Either party can set a court date by filing a motion for temporary orders pending the final divorce.

## Family Mediation Center

If parents have minor children and can't agree on custody, the Court refers them to FMC to try to work out a parenting plan with a mediator.

## Settlement Conferences

A judge may have the parties meet with a senior judge or a private mediator to try and reach an agreement.

## If the parties settle:


They can submit a Divorce Decree with all the final agreed terms to the judge for approval. When signed by the judge and filed with the Court, the parties are divorced.

## If the parties do not settle:

The judge will set a trial date. At trial, the parties present witnesses and evidence so the judge can decide any issues that the parties are not able to resolve. The divorce is then final.

FILED IN OPEN COURT  
JUL 09 2019

DISTRICT COURT  
CLARK COUNTY, NEVADA

STEVEN D. GRIERSON  
CLERK OF THE COURT  
BY   
HILARY MOFFETT DEPUTY

\*\*\*\*

\_\_\_\_\_, PLAINTIFF.  
VS.  
\_\_\_\_\_, DEFENDANT.

CASE NO: \_\_\_\_\_  
DEPARTMENT N

**ORDER SETTING CIVIL NON-JURY TRIAL**  
**(Child Custody/Paternity/Visitation/Relocation)**

DATE OF TRIAL: October 04, 2019

TIME OF TRIAL: 9:00 AM

LENGTH OF TRIAL: 6 Hours

EACH PARTY AND COUNSEL ARE PUT ON NOTICE THAT THIS DEPARTMENT'S ORDER SETTING TRIAL MAY BE DIFFERENT THAN OTHER DEPARTMENTS. THE PARTIES MAY NOT STIPULATE TO MODIFY THIS ORDER WITHOUT THE *EXPRESS WRITTEN AUTHORITY* OF THE COURT.

THE PARTIES ARE PUT ON NOTICE THAT the Court has said:  
"We have repeatedly stated that we *expect all [court actions] to be pursued in a manner meeting high standards of diligence, professionalism, and competence.*" *Cuzdey v. State*, 103 Nev. 575, 578, 747 P.2d 233 (1987). Further, NRS 1.210(2)-(3) state that every court shall have power to *enforce order in the proceedings before it and compel obedience to its lawful orders*. Failure to abide by this order may result in sanctions pursuant to NRS 22.100, EDCR 5.102(l) and/or EDCR 7.60, including attorney's fees, costs, or even dismissal of this action. THIS DOCUMENT IS AN ORDER and simply notes existing laws and rules expected to be followed. "[I]gnorance of the law...is inexcusable." *Mayenbaum v. Murphy*, 5 Nev. 383, 384 (1870). Nevada Code of Judicial Conduct 2.2[4] states, "[i]t is not a violation of this Rule for a judge to make reasonable accommodations to ensure

1 self-represented litigants the opportunity to have their matters fairly heard”;  
2 however, this Canon does not indicate that a judge can provide legal advice or  
3 assist any participant with litigating his or her case.

4 **IT IS HEREBY ORDERED** that this case shall be set for a **CIVIL NON-**  
5 **JURY TRIAL** at the aforementioned date and time. The trial will be held in  
6 **courtroom 24** at the Family Court and Services Center, located at 601 North Pecos  
7 Road, Las Vegas, Nevada, 89101. Immediately advise the Court if the matters that  
8 are set for trial have been settled. The parties are put on notice that, pursuant to  
9 EDCR 7.60(b), failure to do so may result in sanctions (including attorney’s fees) if a  
party unnecessarily “multiplies the proceedings in a case as to increase costs.”

10 **IT IS FURTHER ORDERED** that each party must *substantially comply* with  
11 all parts of EDCR 5.524. A party representing him or herself in proper person is put  
12 on notice that the forms from the Self-Help Center at Family Court may not  
13 adequately address all of the requirements of this Order. This situation will **not** be  
considered a basis to supersede or forego the requirements of this Order.

14 **THE PARTIES ARE PUT ON NOTICE** that, unless requested in writing,  
15 this Court will normally waive calendar calls for judicial economy since it does not  
16 stack trials. Despite this protocol, pursuant to EDCR 5.524(a): “the designated trial  
17 attorneys for all the parties [or a party *in proper person*] **shall meet** together [at least  
18 14 days prior to the scheduled trial date] and arrive at [any] stipulations and  
19 agreements, for the purpose of simplifying the issues to be tried.” Pursuant to EDCR  
20 5.524(b), the pretrial memorandum **must be filed and served** upon all the other parties  
21 not less than ten (10) calendar days before the aforementioned scheduled trial date set  
22 forth above. This Court reminds the parties that document and witness list disclosures  
23 are due prior to this date pursuant to NRCP 16.2/NRCP 16.205, and that EDCR  
24 5.524(a) clarifies that, “no new exhibits or witnesses are to be added, although  
previously disclosed witnesses or exhibits may be eliminated.”

25 **THE PARTIES ARE PUT ON NOTICE** that pursuant to EDCR 5.524(b),  
26 “the pretrial memorandum must concisely state” proposed positions. Therefore,  
27 failure of a party to include arguments with legal citations regarding unusual or  
28



1 complex issues in their pretrial memorandum may be deemed a waiver of said claims  
2 at the time of trial. Furthermore, all factors set forth in NRS 125C.0035(4) ("Best  
3 interests of child") **must** be addressed in detail. Additionally, if relocation out of state  
4 with a child is an issue pursuant to NRS 125C.006 or 125C.0065, all factors set forth  
5 in NRS 125C.007 **must** be addressed in detail. If the case is for non-parent (*e.g.*  
6 grandparent) visitation, all factors set forth in NRS 125C.050 **must** be addressed in  
7 detail. If the case is for non-parent custody, all factors set forth in *Locklin v. Duka*,  
8 112 Nev. 1489, 929 P.2d 930 (1996) **must** be addressed in detail. Pursuant to NRS  
9 125C.010, the terms of any proposed custody/visitation schedule must be addressed in  
10 detail. If paternity is disputed, the parties **must** address in detail any *relevant* factors  
11 set forth in NRS Ch. 126 and/or NRS Ch. 125C, including the presumptions set forth  
12 therein.

11 **IT IS FURTHER ORDERED** that pursuant to EDCR 5.102(d), close of discovery  
12 shall be completed no later than 30 calendar days prior to the aforementioned trial date.  
13 **Time deadlines set forth in NRCP 16.2 / NRCP 16.205 regarding document and witness**  
14 **disclosures will control. The document disclosure list, witness list, and any objections**  
15 **thereto must be filed with the Clerk of the Court. The opposing party shall then be**  
16 **served (along with all documents and witness list to be used at trial) within the**  
17 **timeframes set forth in NRCP 16.2 / NRCP 16.205.** Service must be made via verifiable  
18 means (electronic, receipt of copy, personal service, etc.). Service by mail will **not** be  
19 sufficient for document and witness disclosures. Pursuant to EDCR 5.205(g), exhibits  
20 attached to prior motions are **not** deemed as satisfying the NRCP 16.2/NRCP 16.205  
21 requirements and the parties should review EDCR 5.205(f) to note which documents do not  
22 need to be made exhibits. The parties **must** follow EDCR 5.524(b)(8)-(9) and EDCR 5.601  
23 regarding exhibit and witness disclosures. The pretrial memorandum may simply incorporate  
24 the above-referenced, filed NRCP 16.2/NRCP 16.205 lists of documents and witnesses.

25 **THE PARTIES ARE HEREBY PUT ON NOTICE** that pursuant to NRCP  
26 16.2(j)(1), NRCP 16.205(j)(1), and EDCR 5.602(a), all discovery disputes **must** first be heard  
27 by the discovery hearing master. The actual proposed documents **must** be delivered to  
28 chambers at least two (2) judicial days before trial. See EDCR 5.102(h).

1           **IT IS FURTHER ORDERED** that pursuant to EDCR 5.506, an updated Financial  
2 Disclosure Form must be filed at least ten (10) days prior to the aforementioned trial date.  
3 The Financial Disclosure Form must include current paystubs or an affidavit in compliance  
4 with EDCR 5.506(f) which affirms that the Financial Disclosure Form filed within the last six  
5 (6) months is still accurate.


6           **IT IS FURTHER ORDERED** that any requests for attorney's fees and/or costs are  
7 not to be included in the pretrial memorandum per EDCR 5.524(b)(6). Any request for costs  
8 (as defined in NRS 18.005) must be filed and served in a timely manner which complies with  
9 NRS 18.110 and related case law. In accordance with NRCPP 54(d)(2), any request for  
10 attorney's fees must be requested by a filed motion and served upon the opposing party in a  
11 timely manner after the entry of judgment. The request must address all of the factors  
12 outlined in *Miller v. Wilfong*, 121 Nev. 619, 119 P.3d 727 (2005), including a detailed billing  
13 statement. Pursuant to EDCR 5.506(a) and *Miller*, a current Financial Disclosure Form must  
14 accompany the motion for attorney's fees unless one was already recently filed for the trial.

15           **IT IS FURTHER ORDERED** that pursuant to EDCR 7.80(a), "counsel must notify  
16 the court interpreter's office of a request for interpreter not less than 48 hours before the  
17 hearing or trial is scheduled." Additionally, counsel or a *pro per* litigant must contact  
18 chambers at least 48 hours prior to the trial to have technical equipment set up if he or she  
19 intends on displaying video exhibits during the time of trial.

20           **IT IS FURTHER ORDERED** that pursuant to EDCR 7.30(f), the above trial setting  
21 will not be vacated by stipulation unless approved beforehand by the department. Any  
22 motions to continue a trial date must be in compliance with EDCR 7.30. Finally, pursuant to  
23 EDCR 7.30(g), any costs and/or attorney fees may be imposed as a condition of granting the  
24 postponement.  
25  
26  
27  
28

1       **IT IS FINALLY NOTED THAT** pursuant to EDCR 5.209(c)-(d), "except by  
2 specific order of court, no counsel shall be permitted to withdraw within 21 days prior  
3 to a scheduled trial or evidentiary hearing. Any notice of withdrawal that is filed  
4 without compliance with this rule shall be ineffective for any purpose."

5       **DATED:** This 9th day of July, 2019.

6  
7         
8       \_\_\_\_\_  
9       Honorable Mathew Harter  
10       District Court Judge  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the above file stamp date:

☐ I placed a copy of the foregoing Order Setting Non-Jury Trial in the appropriate attorney folder located in the Clerk of the Court's Office for:

~~XXXXXXXXXX~~  
~~Edward S. Harris~~

Gayle Nathan

☐ I mailed, via first-class mail, postage fully prepaid, the foregoing Order Setting Non-Jury Trial to:

~~XXXXXXXXXX~~  
~~Edward S. Harris~~

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~  
~~XXXXXX XXXXX AVE XXXX~~

Las Vegas, NV 89110

Gayle Nathan  
Bonanza Legal Group  
3591 E. Bonanza Rd. Second Floor  
Las Vegas, NV 89110

☒ I provided a copy of the foregoing Order Setting Non-Jury Trial to each party in open court.



Hilary Moffett  
Department N

WTLT  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
In Proper Person

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

_____ Plaintiff,  vs.  _____ Defendant.	CASE NO.: _____ DEPT: _____
---	--------------------------------

**LIST OF WITNESSES**

(☒ *check one*) ☐ Plaintiff / ☐ Defendant (*your name*) \_\_\_\_\_  
intends to call the following witnesses at trial:

1. Name of Witness: \_\_\_\_\_  
Address and Phone Number: \_\_\_\_\_  
Expected Testimony: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
2. Name of Witness: \_\_\_\_\_  
Address and Phone Number: \_\_\_\_\_  
Expected Testimony: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## CERTIFICATE OF MAILING

I, (*your name*) \_\_\_\_\_ declare under penalty of perjury under the law of the State of Nevada that on (*month*) \_\_\_\_\_ (*day*) \_\_\_\_\_, 20\_\_\_\_, I served this *List of Witnesses* by depositing a copy in the U.S. Mail in the State of Nevada, postage prepaid, addressed to:

Name of Person Served: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip \_\_\_\_\_

DATED (*month*) \_\_\_\_\_ (*day*) \_\_\_\_\_, 20\_\_\_\_.

Submitted By: (*Your signature*) ▶ \_\_\_\_\_

EXHS

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email Address: \_\_\_\_\_

In Proper Person

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

\_\_\_\_\_  
Plaintiff,

vs.

\_\_\_\_\_  
Defendant.

CASE NO.: \_\_\_\_\_

DEPT: \_\_\_\_\_

**LIST OF EXHIBITS**

(☒ *check one*) ☐ Plaintiff / ☐ Defendant (*your name*) \_\_\_\_\_

intends to introduce the following exhibits at trial, which are attached:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_
8. \_\_\_\_\_
9. \_\_\_\_\_
10. \_\_\_\_\_

DATED (*month*) \_\_\_\_\_ (*day*) \_\_\_\_\_, 20\_\_\_\_.

Submitted By: (*your signature*) \_\_\_\_\_

(*print your name*) \_\_\_\_\_

© 2016 Clark County Family Law Self-Help Center

List of Exhibits

\* You are responsible for knowing the law about your case. For more information on the law, this form, and free classes, visit [www.familylawselfhelpcenter.org](http://www.familylawselfhelpcenter.org) or the Family Law Self Help Center at 601 N. Pecos Road. To find an attorney, call the State Bar of Nevada at (702) 382-0504.

### CERTIFICATE OF MAILING

I, (*your name*) \_\_\_\_\_ declare under penalty of perjury under the law of the State of Nevada that on (*month*) \_\_\_\_\_ (*day*) \_\_\_\_\_, 20\_\_\_\_, I served this ***List of Exhibits*** by depositing a copy in the U.S. Mail in the State of Nevada, postage prepaid, addressed to:

Name of Person Served: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip \_\_\_\_\_

DATED (*month*) \_\_\_\_\_ (*day*) \_\_\_\_\_, 20\_\_\_\_.

Submitted By: (*your signature*) ▶ \_\_\_\_\_



COURT CODE: NOTC

Your Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City State Zip: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email Address: \_\_\_\_\_  
Self-Represented

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

\_\_\_\_\_  
Plaintiff,

vs.

\_\_\_\_\_  
Defendant.

CASE NO.: \_\_\_\_\_

DEPT: \_\_\_\_\_

**NOTICE OF INTENT TO SERVE  
SUBPOENA**

**TO:** Name of Opposing Party and Party's Attorney, if any, \_\_\_\_\_:

**PLEASE TAKE NOTICE** that ☐ Plaintiff ☐ Defendant intends to serve a subpoena in seven days identical to the one that is attached to this notice, commanding the production of documents, electronically stored information, or tangible things, or the inspection of premises before trial.

DATED (*month*) \_\_\_\_\_ (*day*) \_\_\_\_\_, 20\_\_\_\_.

Submitted By: (*your signature*) ▶ \_\_\_\_\_

Printed Name: \_\_\_\_\_

## CERTIFICATE OF MAILING

I, (your name) \_\_\_\_\_ declare under penalty of perjury under the law of the State of Nevada that I served this *Notice of Intent to Serve Subpoena* on (month) \_\_\_\_\_ (day) \_\_\_\_\_, 20\_\_\_\_, by depositing a copy in the U.S. Mail in the State of Nevada, postage prepaid, addressed to:

Name of Person Served: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip \_\_\_\_\_

DATED (month) \_\_\_\_\_ (day) \_\_\_\_\_, 20\_\_\_\_.

Submitted By: (Your signature) ► \_\_\_\_\_

1 SUB

2 Your Name: \_\_\_\_\_

3 Address: \_\_\_\_\_

4 City, State, Zip: \_\_\_\_\_

5 Telephone: \_\_\_\_\_

6 Email Address: \_\_\_\_\_

7 **DISTRICT COURT**  
8 **CLARK COUNTY, NEVADA**

9 Plaintiff, \_\_\_\_\_

10 vs.

11 Defendant. \_\_\_\_\_

CASE NO.: \_\_\_\_\_

DEPT: \_\_\_\_\_

12 **SUBPOENA – DOMESTIC**

13 ☐ REGULAR (for personal appearance)

14 ☐ DUCES TECUM (for documents)

15 **THE STATE OF NEVADA SENDS GREETINGS TO:**

16 Name of Person/Company: \_\_\_\_\_

17 Address: \_\_\_\_\_

18  
19  
20  
21 **YOU ARE HEREBY COMMANDED** (☒ *check one or both*):

22 ☐ **Testimony.** You are required to attend a hearing to give testimony on

23 (month) \_\_\_\_\_ (day) \_\_\_\_\_, 20\_\_\_\_ at the hour of

24 (time) \_\_\_\_\_ ☐ a.m. ☐ p.m. in Department \_\_\_\_\_ of the District Court,

25 Clark County, Nevada, located at:

26 ☐ The Family Court & Services Center, 601 N. Pecos Road, Las Vegas, Nevada.

27 ☐ The Regional Justice Center, 200 Lewis Avenue, Las Vegas, Nevada.

☐ **Documents / Things (not business records).** You are required to produce and permit inspection and copying of designated books, documents or tangible things in your possession, custody or control, or to permit inspection of premises. A list of items to be produced is below. *Unless the “testimony” box is checked, you may mail copies of requested documents on or before the date listed below in lieu of personal appearance. Mail copies of documents to: (name and address where documents should be sent):*

Documents should be provided by (date) \_\_\_\_\_.

**ITEMS TO BE PRODUCED**

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

**WITNESS FEES:** For attending court in obedience to a subpoena, you are entitled to witness fees and mileage traveled, as provided by NRS 50.225. This Subpoena must be accompanied by the fees for one day's attendance and mileage, unless issued on behalf of the State or a State agency.

**CONTEMPT:** If you fail to attend, you may be deemed guilty of contempt of Court and liable to pay all losses and damages caused by your failure to appear and in addition forfeit One Hundred (\$100.00) Dollars.

Please see Exhibit "A" attached for information regarding the rights of the person subject to this Subpoena.

STEVEN D. GRIERSON, CLERK OF COURT

By: \_\_\_\_\_  
Deputy Clerk Date

Submitted By: (your signature) \_\_\_\_\_  
(print your name) \_\_\_\_\_

### After the Clerk Issues the Subpoena:

1. If this is a request for documents, you must fill out the Notice of Intent to Serve Subpoena and mail it to the opposing party/attorney with a copy of this Subpoena attached. The opposing party/attorney can file a motion if they believe the documents should not be given to you. If the opposing party/attorney does not file anything after 7 days, you can follow the next steps below.
2. A neutral person must hand-deliver a copy of the subpoena to the person named in the subpoena. The server must complete the Affidavit of Service at the top of page 4.
3. You must send a copy of the completed subpoena to the opposing party/attorney. Complete the Certificate of Mailing on the bottom of page 4.
4. File the completed subpoena with the Clerk of Court after all parties have been served.

### AFFIDAVIT OF SERVICE

(to be completed by the person who serves the subpoena on the company/person subpoenaed)  
(Name of process server) \_\_\_\_\_ says: I am over 18 years of age and not a party to nor interested in the proceeding in which this affidavit is made. I received the Subpoena from the issuing person on (date you received the subpoena: month) \_\_\_\_\_ (day) \_\_\_\_\_, 20\_\_\_\_, and served the same on the (date you served the subpoena: month) \_\_\_\_\_ (day) \_\_\_\_\_, 20\_\_\_\_, by delivering a copy to (name of person served) \_\_\_\_\_ in person at (address where person was served) \_\_\_\_\_.

☐ I am a licensed process server or an employee of a licensed process server; my license or registration number is (insert license or registration number) \_\_\_\_\_.

☐ I am not required to be licensed under Chapter 648 of the Nevada Revised Statutes or another provision of law. I am a natural person serving legal process without compensation, not more than three times per year, on behalf of a litigant who is a natural person.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

DATED (month) \_\_\_\_\_ (day) \_\_\_\_\_, 20\_\_\_\_

Server's Signature: ▶ \_\_\_\_\_

Server's Printed Name: \_\_\_\_\_

Residential / Business Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Server's Phone Number: \_\_\_\_\_

### CERTIFICATE OF MAILING

(to be completed by the party to the case; you must send a copy of the subpoena to the opposing party/attorney)

I, (your name) \_\_\_\_\_ declare under penalty of perjury under the law of the State of Nevada that I served this **Subpoena** on (date of mailing: month) \_\_\_\_\_ (day) \_\_\_\_\_, 20\_\_\_\_, by depositing a copy in the U.S. Mail in the State of Nevada, postage prepaid, addressed to:

Name of Opposing Party/Attorney: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

DATED (month) \_\_\_\_\_ (day) \_\_\_\_\_, 20\_\_\_\_

Submitted By: (Your signature) ▶ \_\_\_\_\_

## EXHIBIT "A" - NEVADA RULES OF CIVIL PROCEDURE RULE 45

### (c) Protection of Persons Subject to Subpoena.

(1) **Avoiding Undue Burden or Expense; Sanctions.** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court that issued the subpoena must enforce this duty and may impose an appropriate sanction — which may include lost earnings and reasonable attorney fees — on a party or attorney who fails to comply.

### (2) **Command to Produce Materials or Permit Inspection.**

#### (A) **Appearance Not Required.**

(i) A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(ii) If documents, electronically stored information, or tangible things are produced to the party that issued the subpoena without an appearance at the place of production, that party must, unless otherwise stipulated by the parties or ordered by the court, promptly copy or electronically reproduce the documents or information, photograph any tangible items not subject to copying, and serve these items on every other party. The party that issued the subpoena may also serve a statement of the reasonable cost of copying, reproducing, or photographing, which a party receiving the copies, reproductions, or photographs must promptly pay. If a party disputes the cost, then the court, on motion, must determine the reasonable cost of copying the documents or information, or photographing the tangible items.

(B) **Objections.** A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, or a person claiming a proprietary interest in the subpoenaed documents, information, tangible things, or premises to be inspected, may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises — or to producing electronically stored information in the form or forms requested. The person making the objection must serve it before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made:

(i) the party serving the subpoena is not entitled to inspect, copy, test, or sample the materials or tangible things or to inspect the premises except by order of the court that issued the subpoena;

(ii) on notice to the parties, the objecting person, and the person commanded to produce or permit inspection, the party serving the subpoena may move the court that issued the subpoena for an order compelling production or inspection; and

(iii) if the court enters an order compelling production or inspection, the order must protect the person commanded to produce or permit inspection from significant expense resulting from compliance.

### (3) **Quashing or Modifying a Subpoena.**

(A) **When Required.** On timely motion, the court that issued a subpoena must quash or modify the subpoena if it:

(i) fails to allow reasonable time for compliance;

(ii) requires a person to travel to a place more than 100 miles from the place where that person resides, is employed, or regularly transacts business in person, unless the person is commanded to attend trial within Nevada;

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies;

or

(iv) subjects a person to an undue burden.

(B) **When Permitted.** On timely motion, the court that issued a subpoena may quash or modify the subpoena if it requires disclosing:

(i) a trade secret or other confidential research, development, or commercial information; or

(ii) an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) **Specifying Conditions as an Alternative.** In the circumstances described in Rule 45(c)(3)(B), the court may, instead of quashing or modifying a subpoena, order an appearance or production under specified conditions if the party serving the subpoena:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(d) **Duties in Responding to a Subpoena.**

(1) **Producing Documents or Electronically Stored Information.** These procedures apply to producing documents or electronically stored information:

(A) **Documents.** A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) **Form for Producing Electronically Stored Information Not Specified.** If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) **Electronically Stored Information Produced in Only One Form.** The person responding need not produce the same electronically stored information in more than one form.

(D) **Inaccessible Electronically Stored Information.** The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) **Claiming Privilege or Protection.**

(A) **Information Withheld.** A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) **Information Produced.** If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.



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Case No.: \_\_\_\_\_  
Dept.: \_\_\_\_\_

NOTARY PUBLIC in and for the  
County of \_\_\_\_\_, State of \_\_\_\_\_

PMEM

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

Email Address: \_\_\_\_\_

In Proper Person

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

\_\_\_\_\_  
Plaintiff,

vs.

\_\_\_\_\_  
Defendant.

CASE NO.: \_\_\_\_\_

DEPT: \_\_\_\_\_

**PRE-TRIAL MEMORANDUM**

**I. STATEMENT OF ESSENTIAL FACTS**

1. Name of Plaintiff: (*name*) \_\_\_\_\_, age (*age*) \_\_\_\_\_.

2. Name of Defendant: (*name*) \_\_\_\_\_, age (*age*) \_\_\_\_\_.

3. Date of Marriage (*date*): \_\_\_\_\_.

4. Resolved Issues and the Agreed Resolutions:

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

d. \_\_\_\_\_

5. Unresolved Issues:

- a. \_\_\_\_\_  
\_\_\_\_\_
- b. \_\_\_\_\_  
\_\_\_\_\_
- c. \_\_\_\_\_  
\_\_\_\_\_

**II. CHILD CUSTODY**

☐ Not Applicable

6. Name, age and date of birth of children:

Name: \_\_\_\_\_, age \_\_\_\_\_, date of birth: \_\_\_\_\_

Name: \_\_\_\_\_, age \_\_\_\_\_, date of birth: \_\_\_\_\_

Name: \_\_\_\_\_, age \_\_\_\_\_, date of birth: \_\_\_\_\_

Name: \_\_\_\_\_, age \_\_\_\_\_, date of birth: \_\_\_\_\_

7. Requested legal custody, physical custody, and visitation order:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**III. CHILD SUPPORT**

☐ Not Applicable

8. Amount of child support requested and any special factors the Court should consider in setting the amount of child support: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### IV. SPOUSAL SUPPORT

☐ Not Applicable

9. I request the following spousal support for myself: *(check one)*

☐ Permanent spousal support of \$\_\_\_\_\_ per month.

☐ Limited spousal support of \$\_\_\_\_\_ per month for \_\_\_\_\_ ☐ months / ☐ years.

☐ Rehabilitative spousal support (for job training or education) of \$\_\_\_\_\_ per month  
for \_\_\_\_\_ ☐ months / ☐ years.

I should be awarded spousal support because: \_\_\_\_\_

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10. The other party should not be awarded spousal support, or should be awarded less than requested because: \_\_\_\_\_

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#### V. PROPERTY AND DEBTS

☐ Not Applicable

11. My proposed distribution of property and debts is attached as Exhibit A.

12. The legal and factual issues regarding the property and debts in dispute are: \_\_\_\_\_

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**VI. FINANCIAL DISCLOSURE FORM**

Check one:

- ☐ I will file a Financial Disclosure Form with this Pre-Trial Memorandum.
- ☐ I already filed a Financial Disclosure Form on *(date)* \_\_\_\_\_ and my financial circumstances have not changed since then. The Court may rely on the previously filed document.

**VII. ATTORNEY'S FEES**

☐ Not Applicable

I request \$\_\_\_\_\_ in attorney's fees and costs. Of this amount, \$\_\_\_\_\_ has already been paid and \$\_\_\_\_\_ is still owed.

**VIII. LIST OF WITNESSES**

I intend to call the following witnesses at trial:

Name of Witness: \_\_\_\_\_

Testimony: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Name of Witness: \_\_\_\_\_

Testimony: \_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

Name of Witness: \_\_\_\_\_

Testimony: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

### IX. LIST OF EXHIBITS

I intend to introduce the following exhibits at trial:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

### X. UNUSUAL ISSUES TO BE PRESENTED AT TRIAL

The following unusual legal or factual issues may be presented at trial: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### XI. LENGTH OF TRIAL

This trial should take approximately \_\_\_\_\_ ☐ hours / ☐ days.

DATED \_\_\_\_\_, 20\_\_\_\_.

Submitted By: (*your signature*) \_\_\_\_\_

(*print your name*) \_\_\_\_\_

## DEBT SCHEDULE

Creditor	Amount Owed	Assets Securing Obligation	Proposed Resolution

## EXHIBIT A: ASSET SCHEDULE

Asset	Gross Value	Manner in which title is held	Name of creditor with secured obligation on asset & loan balance	Proposed Distribution



FDF

Name: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Attorney for \_\_\_\_\_

Nevada State Bar No. \_\_\_\_\_

\_\_\_\_\_ Judicial District Court

\_\_\_\_\_, Nevada

<p>_____</p> <p style="text-align: center;"><b>Plaintiff,</b></p> <p><b>vs.</b></p> <p>_____</p> <p style="text-align: center;"><b>Defendant.</b></p>	<p><b>Case No.</b> _____</p> <p><b>Dept.</b> _____</p>
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### GENERAL FINANCIAL DISCLOSURE FORM

#### A. Personal Information:

1. What is your full name? (*first, middle, last*) \_\_\_\_\_
2. How old are you? \_\_\_\_\_
3. What is your date of birth? \_\_\_\_\_
4. What is your highest level of education? \_\_\_\_\_

#### B. Employment Information:

1. Are you currently employed/ self-employed? (☒ *check one*)

☐ No

☐ Yes If yes, complete the table below. Attached an additional page if needed.

Date of Hire	Employer Name	Job Title	Work Schedule (days)	Work Schedule (shift times)

2. Are you disabled? (☒ *check one*)

☐ No

☐ Yes

If yes, what is your level of disability? \_\_\_\_\_

What agency certified you disabled? \_\_\_\_\_

What is the nature of your disability? \_\_\_\_\_

- #### C. Prior Employment: If you are unemployed or have been working at your current job for less than 2 years, complete the following information.

Prior Employer: \_\_\_\_\_ Date of Hire: \_\_\_\_\_ Date of Termination: \_\_\_\_\_

Reason for Leaving: \_\_\_\_\_

## Monthly Personal Income Schedule

### A. Year-to-date Income.

As of the pay period ending \_\_\_\_\_ my gross year to date pay is \_\_\_\_\_.

### B. Determine your Gross Monthly Income.

Hourly Wage

	×		=	\$0.00	×	52	=	\$0.00	÷	12	=	\$0.00
Hourly Wage		Number of hours worked per week		Weekly Income		Weeks		Annual Income		Months		Gross Monthly Income

Annual Salary

	÷	12	=	\$0.00
Annual Income		Months		Gross Monthly Income

### C. Other Sources of Income.

Source of Income	Frequency	Amount	12 Month Average
Annuity or Trust Income			
Bonuses			
Car, Housing, or Other allowance:			
Commissions or Tips:			
Net Rental Income:			
Overtime Pay			
Pension/Retirement:			
Social Security Income (SSI):			
Social Security Disability (SSD):			
Spousal Support			
Child Support			
Workman's Compensation			
Other:			
<b>Total Average Other Income Received</b>			<b>\$0.00</b>

<b>Total Average Gross Monthly Income (add totals from B and C above)</b>	<b>\$0.00</b>
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**D. Monthly Deductions**

	Type of Deduction	Amount
1.	Court Ordered Child Support (automatically deducted from paycheck)	
2.	Federal Health Savings Plan	
3.	Federal Income Tax	
4.	Health Insurance Amount for you: _____ For Opposing Party: _____ For your Child(ren): _____	0.00
5.	Life, Disability, or Other Insurance Premiums	
6.	Medicare	
7.	Retirement, Pension, IRA, or 401(k)	
8.	Savings	
9.	Social Security	
10.	Union Dues	
11.	Other: (Type of Deduction) _____	
<b>Total Monthly Deductions (Lines 1-11)</b>		<b>0.00</b>

**Business/Self-Employment Income & Expense Schedule****A. Business Income:**




What is your average gross (pre-tax) monthly income/revenue from self-employment or businesses?  
\$ \_\_\_\_\_

**B. Business Expenses: Attach an additional page if needed.**

Type of Business Expense	Frequency	Amount	12 Month Average
Advertising			
Car and truck used for business			
Commissions, wages or fees			
Business Entertainment/Travel			
Insurance			
Legal and professional			
Mortgage or Rent			
Pension and profit-sharing plans			
Repairs and maintenance			
Supplies			
Taxes and licenses (include est. tax payments)			
Utilities			
Other: _____			
<b>Total Average Business Expenses</b>			<b>0.00</b>

### Personal Expense Schedule (Monthly)

A. Fill in the table with the amount of money **you** spend each month on the following expenses and check whether you pay the expense for you, for the other party, or for both of you.

Expense	Monthly Amount I Pay	For Me 	Other Party 	For Both 
Alimony/Spousal Support				
Auto Insurance				
Car Loan/Lease Payment				
Cell Phone				
Child Support (not deducted from pay)				
Clothing, Shoes, Etc...				
Credit Card Payments (minimum due)				
Dry Cleaning				
Electric				
Food (groceries & restaurants)				
Fuel				
Gas (for home)				
Health Insurance (not deducted from pay)				
HOA				
Home Insurance (if not included in mortgage)				
Home Phone				
Internet/Cable				
Lawn Care				
Membership Fees				
Mortgage/Rent/Lease				
Pest Control				
Pets				
Pool Service				
Property Taxes (if not included in mortgage)				
Security				
Sewer				
Student Loans				
Unreimbursed Medical Expense				
Water				
Other:				
<b>Total Monthly Expenses</b>	0.00			

### Household Information

- A. Fill in the table below with the name and date of birth of each child, the person the child is living with, and whether the child is from this relationship. Attached a separate sheet if needed.

	Child's Name	Child's DOB	Whom is this child living with?	Is this child from this relationship?	Has this child been certified as special needs/disabled?
1 <sup>st</sup>					
2 <sup>nd</sup>					
3 <sup>rd</sup>					
4 <sup>th</sup>					

- B. Fill in the table below with the amount of money you spend each month on the following expenses for each child.

Type of Expense	1 <sup>st</sup> Child	2 <sup>nd</sup> Child	3 <sup>rd</sup> Child	4 <sup>th</sup> Child
Cellular Phone				
Child Care				
Clothing				
Education				
Entertainment				
Extracurricular & Sports				
Health Insurance (if not deducted from pay)				
Summer Camp/Programs				
Transportation Costs for Visitation				
Unreimbursed Medical Expenses				
Vehicle				
Other:				
<b>Total Monthly Expenses</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>

- C. Fill in the table below with the names, ages, and the amount of money contributed by all persons living in the home over the age of eighteen. If more than 4 adult household members attached a separate sheet.

Name	Age	Person's Relationship to You (i.e. sister, friend, cousin, etc...)	Monthly Contribution

### Personal Asset and Debt Chart

A. Complete this chart by listing all of your assets, the value of each, the amount owed on each, and whose name the asset or debt is under. If more than 15 assets, attach a separate sheet.

Line	Description of Asset and Debt Thereon	Gross Value		Total Amount Owed		Net Value	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.		\$	-	\$	=	\$ 0.00	
2.		\$	-	\$	=	\$ 0.00	
3.		\$	-	\$	=	\$ 0.00	
4.		\$	-	\$	=	\$ 0.00	
5.		\$	-	\$	=	\$ 0.00	
6.		\$	-	\$	=	\$ 0.00	
7.		\$	-	\$	=	\$ 0.00	
8.		\$	-	\$	=	\$ 0.00	
9.		\$	-	\$	=	\$ 0.00	
10.		\$	-	\$	=	\$ 0.00	
11.		\$	-	\$	=	\$ 0.00	
12.		\$	-	\$	=	\$ 0.00	
13.		\$	-	\$	=	\$ 0.00	
14.		\$	-	\$	=	\$ 0.00	
15.		\$	-	\$	=	\$ 0.00	
<b>Total Value of Assets (add lines 1-15)</b>		<b>\$ 0.00</b>	-	<b>\$ 0.00</b>	=	<b>\$ 0.00</b>	

B. Complete this chart by listing all of your unsecured debt, the amount owed on each account, and whose name the debt is under. If more than 5 unsecured debts, attach a separate sheet.

Line #	Description of Credit Card or Other Unsecured Debt	Total Amount owed	Whose Name is on the Account? You, Your Spouse/Domestic Partner or Both
1.		\$	
2.		\$	
3.		\$	
4.		\$	
5.		\$	
6.		\$	
<b>Total Unsecured Debt (add lines 1-6)</b>		<b>\$ 0.00</b>	

## CERTIFICATION

**Attorney Information:** *Complete the following sentences:*

1. I *(have/have not)* \_\_\_\_\_ retained an attorney for this case.
2. As of the date of today, the attorney has been paid a total of \$\_\_\_\_\_ on my behalf.
3. I have a credit with my attorney in the amount of \$\_\_\_\_\_.
4. I currently owe my attorney a total of \$\_\_\_\_\_.
5. I owe my prior attorney a total of \$\_\_\_\_\_.

**IMPORTANT:** Read the following paragraphs carefully and initial each one.

\_\_\_\_\_ I swear or affirm under penalty of perjury that I have read and followed all instructions in completing this Financial Disclosure Form. I understand that, by my signature, I guarantee the truthfulness of the information on this Form. I also understand that if I knowingly make false statements I may be subject to punishment, including contempt of court.

\_\_\_\_\_ **I have attached a copy of my 3 most recent pay stubs to this form.**

\_\_\_\_\_ **I have attached a copy of my most recent YTD income statement/P&L statement to this form, if self-employed.**

\_\_\_\_\_ **I have not attached a copy of my pay stubs to this form because I am currently unemployed.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## CERTIFICATE OF SERVICE

I hereby declare under the penalty of perjury of the State of Nevada that the following is true and correct:

That on *(date)* \_\_\_\_\_, service of the General Financial Disclosure Form was made to the following interested parties in the following manner:

☐ Via 1<sup>st</sup> Class U.S. Mail, postage fully prepaid addressed as follows:

\_\_\_\_\_

☐ Via Electronic Service, in accordance with the Master Service List, pursuant to NEFCR 9, to:

\_\_\_\_\_

☐ Via Facsimile and/or Email Pursuant to the Consent of Service by Electronic Means on file

herein to: \_\_\_\_\_

Executed on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature



**REQT**

JANE DOE, ESQ.

NEVADA BAR NO.

W. Lake Mead Blvd., Suite 300 Las

Vegas, Nevada 89128 Telephone:

(702) 555-5555

Fax: (702) 555-5555

Email: JOHNDOE@GMAIL.COM

**DISTRICT COURT, FAMILY DIVISION  
CLARK COUNTY, NEVADA**

JOHN DOE

Plaintiff/Counterdefendant,  
vs.

JANE DOE

Defendant/Counterclaimant.

CASE NO. D-18-11111-C  
DEPT. NO. F

Hearing Date: N/A  
Hearing Time: N/A

**DEFENDANT'S REQUESTS FOR PRODUCTION-1 TO PLAINTIFF**

TO: JOHN DOE Plaintiff;

TO: GAYLE NATHAN, ESQ., Counsel for Plaintiff;

Defendant, JANE DOE hereby propounds the following

Interrogatories-1 pursuant to N.R.C.P. 16.205, N.R.C.P. 26 and N.R.C.P. 34.

Defendant requests that you respond within thirty (30) days as required by

N.R.C.P. 34.

## DEFINITIONS

1. You. Unless otherwise indicated, the term “you” includes the Plaintiff, Plaintiff’s representatives, Plaintiff’s counsel, persons authorized to speak for and legally bind Plaintiff, persons with knowledge of the allegations and claims made in the pleadings, agents, servants, employees, investigators and others who are in possession or may have obtained information for the Plaintiff or on his behalf.
2. The singular shall be interchangeable with the plural; the masculine, feminine, and neuter shall all be interchangeable; and the conjunctions “and” and “or” shall be both conjunctive and disjunctive.
3. Communication. The term “communication” means the transmittal of information by any means.
4. Document. The term “document” is defined to mean all forms of tangible expression including any written, printed, recorded, electronic, pictorial, graphic or photographic material, however produced or reproduced of which the party or its representatives have knowledge or which is in the possession, custody or control of the party or its representatives (together with any matter attached thereto), including the following, which is listed by way of example only and without limitation: correspondence, memoranda (including internal or inter-office memoranda), statements, agreements, contracts, drafts, deeds, telegrams, cables, notes reports, studies, analyses, records, evaluations, charts, ledgers, checks, tables, tabulations, compilations, summaries, indices, abstracts, drawings, blueprints, labels, tags, pleadings, testimony, speeches, articles, books, pamphlets, brochures, magazines, newspapers, calendars, diaries, journals, minutes, orders, invoices or billing information, electronic and computer data, recordings, and any other matter which contains any form of communication or representations. These terms are meant to be synonymous in meaning and equal in scope to the usage of this term in Nevada Rule of Civil Procedure 34(a), including writings, drawings, graphs, charts, photographs, and other data compilations from which information can be obtained, translated through detection devices into reasonably usable form. A draft or non-identical copy is a separate document within the meaning of this term.
5. Identify (with respect to persons). When referring to a person, “to identify” means to give, to the extent known, the person’s full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment. Once a person has been identified in accordance with this subparagraph, only the

name of that person need be listed in response to subsequent discovery requesting the identification of that person.

6. Identify (with respect to documents). When referring to documents, “to identify” means to give, to the extent known, the (i) type of document; (ii) general subject matter; (iii) date of the document; (iv) author(s), addressee(s) and recipient(s) and (v) the location where the identified documentation currently reposes.
7. Parties. The terms “Plaintiff” and “Defendant” as well as the party’s full or abbreviated name or a pronoun referring to a party mean the party and, where applicable, its officers, directors, employees, partners, corporate parent, subsidiaries or affiliates. This definition is not intended to impose a discovery obligation on any person who is not a party to the litigation.
8. Person. The term “person” is defined as any natural person or business, legal or governmental entity or association and may be plural if more than one person meets the elements of the interrogatory.
9. Concerning. The term “concerning” means relating to, referring to, describing, evidencing or constituting.

### **INSTRUCTIONS**

1. If you cannot answer an Interrogatory or respond to a Request for Production after conducting a reasonable investigation, you so state and answer to the extent you can, produce the requested documentation to the extent you can, stating what information or documentation you do have, what information or documentation you cannot provide and what efforts you have made to obtain the unknown information or documentation.
2. All information is to be divulged and all documentation is to be produced which is in Plaintiff’s possession or control or can be ascertained upon reasonable investigation or areas within its control or the control of its officers, employees, directors, and other agents and representatives. The knowledge of Plaintiff’s attorney is deemed to be Plaintiff’s knowledge, so that, apart from privileged matters, if Plaintiff’s attorney has knowledge of the information sought to be elicited herein, said knowledge must be incorporated into these Answers even if such information is unknown to Plaintiff individually or institutionally.
3. A document is deemed to be in Plaintiff’s possession, custody or control if it is in Plaintiff’s physical custody, or if it is in the physical custody of any other person and Plaintiff (i) owns such document in whole or in part, (ii) has a right by contract, statute or otherwise, to use, inspect, examine or

1 copy such documentation on any terms, (iii) has an understanding, express  
2 or implied, that it may use, inspect, examine or copy such document on  
3 any terms, or (iv) has, as a practical matter, been able to use, inspect,  
4 examine or copy such document when it sought to do so.

5 4. Whenever you are unable to state an answer to these Interrogatories based  
6 upon your own personal knowledge, please so state, and identify the  
7 person or persons you believe to have such knowledge, what you believe  
8 the correct answer to be, and the facts upon which you base your Answer.

9 5. In the event that Plaintiff does not produce any document because of a  
10 claim of confidentiality, privilege, or any other protection from  
11 identification or production, including, but not limited to, attorney work  
12 product doctrine or attorney-client privilege, Plaintiff shall state the  
13 following information regarding the subject information or documentation  
14 in sufficient detail and with sufficient particularity to enable a court to  
15 adjudicate the validity of said claim:

16 a. Which privilege is claimed;

17 b. A statement of the facts upon which said claim of privilege is based;

18 c. The following information as to each purportedly privileged piece of  
19 information or documentation, to the extent known:

20 i. Its nature, e.g. letter, memorandum, conversation, photograph,  
21 tape, e-mail, etc.;

22 ii. The date it was prepared;

23 iii. The date it bears;

24 iv. The date it was sent or served;

25 v. The date it was received;

vi. The identity of the person or persons who communicated,  
prepared or sent it;

vii. The identity of the person or persons to whom it was  
communicated, for whom it was prepared or to whom it was  
sent;

viii. A statement of the subject matter of the information or  
documentation;

ix. A precise description of the place where the document is kept,  
including the title or description of the file(s) where the  
information or documentation is stored and the exact location  
of the file or storage place.

6. Regarding the identification of witnesses, provide current addresses and  
telephone numbers and provide a specific and sufficient summary of the  
anticipated testimony or knowledge held by any identified witness.

1 7. Pursuant to N.R.C.P. 26(e), you shall supplement your responses according  
2 to the following:

- 3 a. A party is under a duty seasonably to supplement its responses with  
4 respect to any question directly addressed to (A) the identify and  
5 location of any person having knowledge of discoverable matters  
6 and (B) the identity of each person expected to be called as an expert  
7 witness at trial, the subject matter on which she is expected to  
8 testify, and the substance of his testimony.  
9 b. A party is under a duty seasonably to amend a prior response if she  
obtains information upon the basis of which (A) she knows that the  
response was incorrect when made, or (B) she knows that the  
response, though correct when made, is no longer true and the  
circumstances are such that a failure to amend the response is in  
substance a knowing concealment.

10 **REQUEST NO. 1:**

11 Produce a current FDF with current income verification documentation.

12 **REQUEST NO. 2:**

13  
14 Produce backup documentation which verifies the information that you  
15 provided in your FDF pursuant to N.R.C.P. 16.205(d)(2), specifically, financial  
16 statement(s), document(s), receipt(s), or other information or evidence relied  
17 upon to support the figures represented on your FDF submittal. If no  
18 documentary evidence exists, produce a Declaration in writing containing your  
19 explanation of how the figure was calculated.

20 **REQUEST NO. 3:**

21  
22 Produce complete copies of all monthly or periodic bank or other financial  
23 statements for checking and/or savings accounts held in your name or accounts  
24  
25

1 which contain your money held in a third person or entity account for your  
2 benefit from January 1, 2017 to the present.

3 **REQUEST NO. 4:**

4 Produce complete copies of all monthly or periodic bank or other financial  
5 statements for investment accounts, cryptocurrency accounts, and/or securities  
6 accounts held in your name or accounts which contain your money held in a third  
7 person or entity account for your benefit from January 1, 2017 to the present.  
8

9 **REQUEST NO. 5:**

10 Produce complete copies of all monthly or periodic bank or other financial  
11 statements which evidence income from interest, dividends, royalties,  
12 distributions, or any other income checking and/or savings accounts held in your  
13 name or accounts which contain your money held in a third person or entity  
14 account for your benefit from January 1, 2017 to the present.  
15

16 **REQUEST NO. 6:**

17 Produce documentation that identifies health insurance coverage you  
18 maintain through your employment or otherwise, including, but not limited to:  
19

20 (a) health insurance premium costs for your three children for 2017, 2018  
21 and 2019;  
22

23 (b) the date you added your minor children for dependent health care  
24 coverage;  
25

1 (c) all claims for coverage and/or reimbursement you have made against  
2 your health insurance coverage for any health care provided to your  
3 minor children since you initiated dependent health care coverage for  
4 your children.  
5

6 **REQUEST NO. 7:**

7 Produce complete filed tax returns for 2017 and 2018.

8 **REQUEST NO. 8:**

9 Produce documentation which identifies your income from all sources,  
10 including W-2, 1099, and K-1 forms for 2017, 2018 and 2019 to present, and  
11 year-to-date income information, including paycheck stubs or other paycheck  
12 documentation provided by your employer each pay cycle from January 2, 2018  
13 to present.  
14  
15

16 **REQUEST NO. 9:**

17 Produce copies of all documents or other tangible you intend to offer as  
18 evidence at trial in any manner, including, but not exclusive of photographs,  
19 videos, and electronically-stored data.  
20

21 **REQUEST NO. 10:**

22 Produce copies of any statements, witness statements, or other information  
23 from third-party persons.  
24

25 ///

1 **REQUEST NO. 11:**

2 Produce any reports or other data prepared for you by any person you  
3 intend to call as an expert in this case.

4 **REQUEST NO. 12:**

5 Produce any reports or other data prepared for you by any person that was  
6 generated to provide information relevant to the claims or defenses set forth in  
7 the pleadings, whether or not you intend to call the identified person as a witness  
8 in this case.  
9

10 **REQUEST NO. 13:**

11 Produce within 14 days of service of this request executed releases for  
12 your employment records, banking records, financial account records identified  
13 pursuant to N.R.C.P. 16.205(d)(3). The requested releases will be supplied under  
14 separate filing request.  
15

16 Dated this 4<sup>th</sup> day of September, 2019  
17

---

JOHN DOE

ADDRESS

PHONE NUMBER



1 **GAYLE NATHAN, ESQ.**  
2 Nevada Bar No. 4917  
3 **BONANZA LEGAL GROUP**  
4 3591 E. Bonanza Rd., 2<sup>nd</sup> Floor  
5 Las Vegas, Nevada 89110  
6 Telephone: (702) 405-1576  
7 Email: [attorney@bonanzalegal.com](mailto:attorney@bonanzalegal.com)  
8 Attorney for Plaintiff

DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

9 JOHN DOE

10 Plaintiff/Counterdefendant,

11 vs.

12 JANE DOE

13 Defendant/Counterclaimant.  
14

CASE NO: D-18-00123  
DEPT NO: F

15  
16 **PLAINTIFF'S RESPONSE TO DEFENDANT'S REQUEST FOR**  
17 **PRODUCTION**

18 Comes now Plaintiff, JOHN DOE, by and through his attorney, Gayle Nathan,  
19 Esq., with his Response to Defendant's Request for Production of Documents.

20 REQUEST NO.: 1. Produce a current FDF with current income verification  
21 documentation.  
22

23 RESPONSE TO REQUEST NO.1: Will file and produce an updated Financial  
24 Disclosure Form in the next 5 days.

25 REQUEST NO. 2: Produce backup documentation which verifies the information that  
26 you provided in your FDF pursuant to N.R.C.P. 16.205(d)(2), specifically, financial  
27 statement(s), document(s), receipt(s), or other information or evidence relied upon to  
28

1 support the figures represented on your FDF submittal. If no documentary evidence  
2 exists, produce a Declaration in writing containing your explanation of how the figure  
3 was calculated.

4 RESPONSE TO REQUEST NO.2: See Response to Request No. 8.

5 REQUEST NO.: 3. Produce complete copies of all monthly or periodic bank or other  
6 financial statements for checking and/or savings accounts held in your name or accounts  
7 which contain your money held in a third person or entity account for your benefit from  
8 January 1, 2017 to the present.

9 RESPONSE TO REQUEST NO.3: See Wells Fargo statements attached. (bate stamped  
10 000001 – 000124)

11 REQUEST NO.: 4. Produce complete copies of all monthly or periodic bank or other  
12 financial statements for investment accounts, cryptocurrency accounts, and/or securities  
13 accounts held in your name or accounts which contain your money held in a third person  
14 or entity account for your benefit from January 1, 2017 to the present

15 RESPONSE TO REQUEST NO. 4: See Roth IRA statement attached (bate stamped  
16 000320 – 000327). See Bitcoin account printout (bate stamped 000328 – 000329)

17 Dated this \_\_\_\_ day of \_\_\_\_\_ 2019

18 SIGNATURE BLOCK

19  
20  
21  
22  
23 **ADD THE CERTIFICATE OF MAIL**

1 **GAYLE NATHAN, ESQ.**  
2 Nevada Bar No. 4917  
3 **BONANZA LEGAL GROUP**  
4 3591 E. Bonanza Rd., 2<sup>nd</sup> Floor  
5 Las Vegas, Nevada 89110  
6 Telephone: (702) 405-1576  
7 Email: [attorney@bonanzalegal.com](mailto:attorney@bonanzalegal.com)  
8 Attorney for Plaintiff

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DISTRICT COURT  
FAMILY DIVISION  
CLARK COUNTY, NEVADA

JOHN DOE

Plaintiff/Counterdefendant,

vs.

JANE DOE

Defendant/Counterclaimant.

CASE NO: D-18-1111-C  
DEPT NO: F

**PLAINTIFF'S SUPPLEMENTAL RESPONSE TO DEFENDANT'S  
INTERROGATORY NO. 5**

Comes now Plaintiff, JOHN DOE by and through his attorney, Gayle Nathan, Esq.,  
with his Supplemental Response to Defendant's Interrogatory No. 5.

**Interrogatory No. 5.** Identify what amount of tip income you receive each month that  
is not reflected on your paychecks.

**Supplementing the Response to Interrogatory No. 5:** We pool our tips. That means  
that all of the tips are put together, then re-apportioned amongst the Servers; Runners;  
Buses; Hostess; Cashier and Bar (the bar's tips are a percentage of the alcohol sold).

For instance; if there was a cumulative total of \$4,000 in tips for 6 servers the breakdown could be:

\$400 for each server (6)	\$2400
200 for each of 3 runners	600
150 for each of 4 buses	600
70 for the hostess	70
50 for the cashier	50
280 for the Bar	280
TOTAL	\$4,000

This is illustrative; the night may vary wherein there may be 5 runners or 6 buses. The process, however, is consistent in that we all pool our tips, cash and credit and they are disbursed in a percentage similar to that set forth above.

**Dated** this 26<sup>th</sup> day of July, 2019

Respectfully Submitted,

/S/ Gayle Nathan

**GAYLE NATHAN, ESQ.**  
Nevada Bar No. 4917  
BONANZA LEGAL GROUP  
3591 E. Bonanza Rd., 2<sup>nd</sup> Floor  
Las Vegas, Nevada 89110  
Email: [attorney@bonanzalegal.com](mailto:attorney@bonanzalegal.com)

### **CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of the BONANZA LEGAL GROUP and that on this 26<sup>th</sup> day of September, 2019, I caused the documents entitled *Supplement Response to Interrogatories, No. 5* to be served as follows:

[ x ] Pursuant to EDCR 8.05(a), EDCR 8.05(f), NRCP 5(b)(2)(D) and Administrative Order 14-2 captioned "In the Administrative Matter of Mandatory Electronic Service in the Eighth Judicial District

1 Court," by mandatory electronic service through the Eighth Judicial  
2 District Court's electronic filing system.

3 XXX]By placing same to be deposited for mailing in the United States Mail, in  
4 a sealed envelope upon which first class postage was prepaid in Las  
5 Vegas, Nevada.

6 [ ] Pursuant to EDCR 7.26, to be sent via facsimile, by duly executed consent  
7 for service by electronic means.

8 [ ] By hand delivery with signed Affidavit of Service.  
9 To the address, email address, and/or facsimile number indicated below:

10 Jane Doe at 1 Paris Place, Las Vegas, NV 89111

11  
12  
13 /s/ Gayle Nathan  
14 An Employee of the BONANZA LEGAL GROUP  
15  
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