# IN THE SUPREME COURT OF THE STATE OF NEVADA

INDICATE FULL CAPTION:

|  |  |
| --- | --- |
| Click here to enter caption | Docket No. \_\_\_\_\_\_\_\_\_ |

## DOCKETING STATEMENT CIVIL APPEALS

**GENERAL INFORMATION**

Appellants must complete this docketing statement in compliance with Nevada Rules of Appellate Procedure (NRAP) 14(a). The purpose of the docketing statement is to assist the Supreme Court in screening jurisdiction, identifying issues on appeal, assessing assignment to the Court of Appeals under NRAP 17, scheduling cases for oral argument and settlement conferences, classifying cases for expedited treatment, and compiling statistical information.

## WARNING

This statement must be completed fully, accurately, and on time. NRAP 14(c). The Supreme Court may impose sanctions on counsel or the appellant if it appears that the information provided is incomplete or inaccurate. *Id.* Failure to fill out the statement completely or to file it in a timely manner constitutes grounds for the imposition of sanctions, including a fine and/or dismissal of the appeal. *Id*.

A complete list of the documents that must be attached appears as Question 28 on this docketing statement. Failure to attach all required documents will result in the delay of your appeal and may result in the imposition of sanctions. *Id*.

This court has noted that when obligations under NRAP 14 to complete the docketing statement properly and conscientiously are not taken seriously, valuable judicial resources of this court are wasted, making the imposition of sanctions appropriate. *See* KDI Sylvan Pools v. Workman, 107 Nev. 340, 344, 810 P.2d 1217, 1220 (1991). Please use divider pages to separate any attached documents.

1. Judicial District: \_\_\_\_\_\_\_\_\_\_\_\_\_ County: \_\_\_\_\_\_\_\_\_\_\_\_\_

Judge: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ District Ct. Case No.: \_\_\_\_\_\_\_\_\_\_\_\_\_

Department: \_\_\_\_\_\_\_\_\_\_\_\_\_

1. **Person filing this docketing statement:**

 Name       Bar # (if applicable)

 Law Firm Name (if applicable)

 Address

 Telephone #

 Email address

Client name(s) (if represented by counsel):

**If this is a joint statement by multiple appellants, add the names and addresses of the other appellants and, if applicable, the names of their counsel and have them sign the certification below.**

 Name       Bar # (if applicable)

 Law Firm Name (if applicable)

 Address

 Telephone #

 Email address

Client name(s) (if represented by counsel):

**I certify I concur in the filing of this statement.**

 Signature of other appellant(s) or of counsel for other appellant   Date

## Nature of disposition below (check all that apply):

[ ]  Judgment after bench trial

[ ]  Judgment after jury verdict

[ ]  Summary judgment

[ ]  Default judgment

[ ]  Grant/Denial of NRCP 60(b) relief

[ ]  Grant/Denial of injunction

[ ]  Dismissal:

[ ]  Lack of jurisdiction

[ ]  Failure to state a claim

[ ]  Failure to prosecute

[ ]  Other (specify):

[ ]  Divorce Decree:

[ ]  Original

[ ]  Modification

[ ]  Grant/Denial of declaratory relief

[ ]  Review of agency determination

[ ]  Other disposition (specify): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

## Does this appeal raise issues concerning any of the following?

##  [ ] .Child Custody

## [ ]  Venue

[ ]  Termination of parental rights

1. **Pending and prior proceedings in this court.** List the case name and docket number of all appeals or original proceedings presently or previously pending before this court which are related to this appeal:

1. **Pending and prior proceedings in other courts.** List the case name, number and court of all pending and prior proceedings in other courts which are related to this appeal (*e.g.*, bankruptcy, consolidated or bifurcated proceedings) and their dates of disposition:

1. **Nature of the action.** Briefly describe the nature of the action and the result below:

1. **Issues on appeal.** State concisely the principal issue(s) in this appeal:

1. **Pending proceedings in this court raising the same or similar issues.** If you are aware of any proceedings presently pending before this court which raises the same or similar issues raised in this appeal, list the case name and docket numbers and identify the same or similar issue raised:

1. **Constitutional issues:** Does this appeal challenge the constitutionality of a Nevada Statute or ordinance?

[ ]  No. Continue to #11.

[ ]  Yes:

1. Identify the Nevada statute or ordinance being challenged:
2. Is the State, any State agency, or a State officer or employee a party to this appeal in an official capacity? [ ] Yes [ ]  No.
3. **Other issues.**
4. Does this appeal involve any of the following issues?

[ ]  Reversal of well-settled Nevada precedent (identify the case(s))

[ ]  An issue arising under the United States and/or Nevada Constitutions

[ ]  A substantial issue of first impression

[ ]  An issue of public policy

[ ]  An issue where en banc consideration is necessary to maintain uniformity of this court's decisions

[ ]  A ballot question

1. If so, explain:
2. **Assignment to the Court of Appeals or retention in the Supreme Court.** Briefly set forth whether the matter is retained by the Supreme Court or presumptively assigned to the Court of Appeals under NRAP 17, and cite the subparagraph(s) of the Rule under which the matter falls.

1. **Trial.** If this action proceeded to trial, how many days did the trial last? \_\_\_\_\_\_\_\_ days.

Was it a: [ ]  bench trial [ ]  jury trial?

1. **Judicial Disqualification.** Do you intend to file a motion to disqualify or have a justice/judge recuse him/herself from participation in this appeal? *See* NRAP 35. If so, which Justice/Judge? \_\_\_\_\_\_\_\_
2. **Oral argument.** Would you object to submission of this appeal for disposition without oral argument? [ ]  Yes [ ]  No

**TIMELINESS OF NOTICE OF APPEAL**

## Date the written judgment(s) or order(s) appealed from was/were filed in the district court: \_\_\_\_\_\_\_\_\_\_\_\_

If no written judgment or order has been filed in the district court, explain the basis for seeking appellate review:

## Date written notice of entry of the judgment(s) or order(s) was/were served: \_\_\_\_\_\_\_\_\_\_\_\_

Was service by:

[ ]  Electronic or personal delivery

[ ]  Mail

## Were any motions seeking relief under NRCP 50(b), 52(b), 59, or 60 or seeking rehearing or reconsideration filed in the district court either before or after the notice of appeal was filed? (attach a copy of the motion)

## [ ]  No, continue to # 19.

## [ ]  Yes:

* 1. Specify the type of motion and the date the motion was filed in the district court (check all that apply)

[ ]  NRCP 50(b) Date filed: \_\_\_\_\_\_\_\_\_\_\_\_\_

[ ]  NRCP 52(b) Date filed: \_\_\_\_\_\_\_\_\_\_\_\_\_

[ ]  NRCP 59 Date filed: \_\_\_\_\_\_\_\_\_\_\_\_\_

[ ]  NRCP 60 Date filed: \_\_\_\_\_\_\_\_\_\_\_\_\_

[ ]  Rehearing/Reconsideration Date filed: \_\_\_\_\_\_\_\_\_\_\_\_\_

* 1. Date the motion was served: \_\_\_\_\_\_\_\_\_\_\_\_\_
	2. How was the motion served:

[ ]  Electronic or personal delivery

[ ]  Mail

* 1. Date the written order resolving the motion was filed: \_\_\_\_\_\_\_\_\_\_\_\_\_
	2. Date written notice of entry of the order resolving the motion was served: \_\_\_\_\_\_\_\_\_\_\_\_\_
	3. Was service by:

[ ]  Electronic or personal delivery

[ ]  Mail

1. Are there any motions other than those identified in #18 above still pending in the district court?

[ ]  Yes. Identify the motion and the date it was filed in the district court: \_\_\_\_\_\_\_\_\_\_\_\_\_

[ ]  No.

1. Date the notice of appeal was filed in the district court: \_\_\_\_\_\_\_\_\_\_\_\_\_

If more than one party has appealed from the judgment or order, list the date each notice of appeal was filed and identify by name the party filing the notice of appeal:

1. Specify the statute or rule governing the time limit for filing the notice of appeal, *e.g.*, NRAP 4(a) or other: \_\_\_\_\_\_\_\_\_\_\_\_\_

# SUBSTANTIVE APPEALABILITY

## Specify the statute or other authority granting this court jurisdiction to review the judgment or order appealed from:

[ ]  NRAP 3A(b)(1) [ ]  NRAP 3A(b)(2)

[ ]  NRAP 3A(b)(3) [ ]  NRAP 3A(b)(4)

[ ]  NRAP 3A(b)(5) [ ]  NRAP 3A(b)(6)

[ ]  NRAP 3A(b)(7) [ ]  NRAP 3A(b)(8)

[ ]  NRAP 3A(b)(9) [ ]  NRAP 3A(b)(10)

[ ]  NRAP 3A(b)(11) [ ]  NRAP 3A(b)(12)

[ ]  NRS 38.205 [ ]  NRS 233B.150

[ ]  NRS 703.376 [ ] Other (specify): \_\_\_\_\_\_\_\_\_\_\_\_\_

* 1. Explain how each authority provides a basis for appeal from the judgment or order:

1. List all parties involved in the action or consolidated actions in the district court:
	1. Parties:

* 1. If all parties in the district court are not parties to this appeal, explain in detail why those parties are not involved in this appeal, *e.g.*, formally dismissed, not served, or other:

## Give a brief description (3 to 5 words) of each party's separate claims, counterclaims, cross-claims, or third-party claims and the date of formal disposition of each claim.

##

1. Did the judgment or order appealed from adjudicate ALL of the claims alleged below and the rights and liabilities of ALL of the parties to the action or consolidated actions below? [ ]  Yes [ ]  No

## If you answered "No" to question 25, complete the following:

* 1. Specify the claims remaining pending below:

* 1. Specify the parties remaining below:

* 1. Did the district court certify the judgment or order appealed from as a final judgment pursuant to NRCP 54(b)? [ ]  Yes [ ]  No
	2. Did the district court make an express determination, pursuant to NRCP 54(b), that there is no just reason for delay and an express direction for the entry of judgment? [ ]  Yes [ ]  No

## If you answered "No" to any part of question 26, explain the basis for seeking appellate review (*e.g.*, order is independently appealable under NRAP 3A(b)):

##

1. **Attach file-stamped copies of the following documents:**
* The latest-filed complaint, counterclaims, cross-claims, and third-party claims
* Any motion(s) identified in questions 18 and the order(s) resolving the motion(s)
* Any motions identified in question 19
* Orders or NRCP 41(a)(1) dismissals that formally resolve each claim, counterclaim, cross- claim and/or third-party claim asserted in the action or consolidated action below, **even if not at issue on appeal**
* All orders that finally disposes of any parties in the action below, **even if not at issue on appeal**
* Any other order challenged on appeal
* Notices of entry for each attached order

# VERIFICATION

## I declare under penalty of perjury that I have read this docketing statement, that the information provided in this docketing statement is true and complete to the best of my knowledge, information, and belief, and that I have attached all required documents to this docketing statement.

 Signature (and Bar # if applicable) \_\_\_\_\_\_\_\_\_\_

 Printed name     Date

 State and county where signed

# CERTIFICATE OF SERVICE

I certify that on the  date  day of  month , 20 year , I served a copy of this completed docketing statement upon all parties to this appeal:

[ ]  by electronic means to registered users of the court’s electronic filing system

If served other than through the court's electronic filing system, enter the names and email address of the parties served by this means and attach a copy of each party’s written consent authorizing service by this means. *See* NRAP 25(c)(2)

[ ]  by personally serving it upon him/her;

[ ]  by mailing it by first class mail with sufficient postage prepaid to the following address(es):

 Signature (and Bar # if applicable) \_\_\_\_\_\_\_\_\_\_

 Printed name     Date

 Law Firm Name (if applicable)

 Address

 Telephone #

 Email address