

PUBLICATION UPDATE

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Nevada Civil Practice Manual

Publication 67233 Release 18 October 2014

HIGHLIGHTS

Discovery

- With the amendment of NRCP 30 and 34, discovery coverage has had many updates. See Ch. 16, *Depositions and Discovery*.

Attorney Misconduct

- The Nevada Supreme Court has clarified error following improper attorney argument. See Ch. 23, *The Jury Trial*.

Mechanics' Liens

- The Nevada Bond and Lien Law regarding mechanics' liens has had numerous amendments. See Ch. 32, *Nevada Bond and Lien Law*.

Co-Tortfeasors. The Nevada Supreme Court has held that co-tortfeasors are not necessary parties under NRCP 19(a). See Ch. 5, *Parties*, § 5.17[2][e].

Class Actions and Removal. Recent federal and U.S. Supreme Court cases on removal and jurisdiction have been added, including *Hood v. AU Optronics*, defining “plaintiff” for purposes of removal. See Ch. 7, *Removal*, § 7.04.

Service on State. The State of Nevada and its political subdivisions and officers have 45 days to answer service of process, under NRCP 12(a)(3). See Ch. 9, *Service*, § 9.02.

Service on Business Entity. NRCP 4(d) has been revised to specify how entities such as corporations, partnerships, and LLCs can be served with process. See Ch. 9, *Service*, § 9.07.

Hague Convention. In the *Loeb* case, the Nevada Supreme Court held that NRCP 4(e)(1) explicitly provides that defendants outside the United States must be served in accordance with the Hague Convention. See Ch. 9, *Service*, § 9.13.

Discovery. Coverage of discovery and depositions has been significantly revised, following from amendment of NRCP 30 and NRCP 34 in 2014. See Ch. 16, *Depositions and Discovery*, §§ 16.04–16.06.

Anti-SLAPP Suits. In *Stubbs*, the Nevada Supreme Court held that if a case is dismissed before a responsive pleading is filed under NRCP 41(a)(1)(i), the defendant cannot file an anti-SLAPP suit. See Ch. 20, *Dismissal of Actions*, § 20.04.

Dismissal After Settlement Agreement. The Nevada Supreme Court held in *Power Co.* that, on public policy grounds, NRCPC 41(e) does not require dismissal of an action in which the parties have entered into a written and signed settlement agreement concerning that action within five years after the plaintiff filed the complaint. See Ch. 20, *Dismissal of Actions*, § 20.16.

Attorney Misconduct. In *Gunderson*, the Nevada Supreme Court considered that when an improper attorney argument is objected to, the objection is sustained, but the court does not admonish counsel or the jury, finding that objecting counsel must demonstrate that misconduct was so extreme that the objection and sustainment could not have removed the misconduct's effect. See Ch. 23, *The Jury Trial*, § 23.40.

Offers of Judgment. In *Gunderson*, the Nevada Supreme Court gave guidance to district courts when imposing penalties against multiple offerees pursuant to NRS 17.115 for rejecting offers of judgment. See Ch. 24, *The Jury Trial*, § 24.02[9][g].

Mechanics' Liens. Several recent Nevada Supreme Court cases, and revised NRS sections, have made significant changes in the Nevada Bond and Lien Law.

See Ch. 32, *Nevada Bond and Lien Law*, §§ 32.03, 32.05, 32.16.

Economic Damages Against Design Professionals. In *Halcrow*, the Nevada Supreme Court expanded the holding in *Ter-racon* to bar claims against design professionals for negligent misrepresentation when the damages alleged are purely economic. See Ch. 34A, *Construction Defect Disputes Under NRS Chapter 40*, § 34A.11.

Limitations in Medical Malpractice Actions. In *Libby*, the Nevada Supreme Court held that NRS 41A.097(2) relating to actions against health care providers is a statute of limitations, not repose. See Ch. 34B, *Medical Malpractice*, § 34B.02.

Expert Testimony in Medical Malpractice Actions. In *Egan*, the Nevada Supreme Court held that professional negligence actions are not subject to the affidavit-of-merit requirement based on NRS 41A.071. See Ch. 34B, *Medical Malpractice*, § 34B.04.

Finding Aids. The Table of Cases, Table of Statutes, and Index are updated in this release.

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October 2014

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