APPLICATION FOR ORDER TO SHOW CAUSE-CONTEMPT

IMPORTANT

THIS PACKET IS IN NO WAY INTENDED TO SUBSTITUTE FOR THE ADVICE OF A PRIVATE ATTORNEY

Private Counsel Is Always Recommended For Legal Matters

The law allows any person to represent themselves in a legal action. However, filing an action with the Court and representing yourself in the courtroom can be a complicated legal procedure and this packet does not attempt to address all the legal issues involved in bringing your matter before the court. This packet is created to help you access the legal system without the assistance of an attorney.

When representing yourself, you are responsible for understanding the law that governs your case and for filing the proper legal documents. The laws and rules are set out in the Nevada Revised Statutes, the Rules of Civil Procedure, and the local rules governing the jurisdiction in which you are filing your documents.

When you sign these documents and present them for filing with the court, it is assumed by the Court that you have carefully read the documents, that you understand all the terms in the documents, that you agree with all the provisions in the documents, and that you are aware of all the consequences those provisions may produce.

Before filling in any portion of the following documents, read all the materials included in this packet regarding custody, visitation, child support and definitions of terms.

THIS INFORMATION IS PROVIDED AS A COURTESY ONLY. THE COURT, SELF-HELP CENTER, NON-PROFIT ORGANIZATION, OR LAW LIBRARY THAT MAY PROVIDE THIS INFORMATION SHALL NOT BE LIABLE FOR ERRORS CONTAINED HEREIN OR FOR DIRECT, INDIRECT, SPECIAL OR CONSEQUENTIAL DAMAGES IN CONNECTION WITH THE FURNISHINGS OF THIS MATERIAL.

GENERAL INFORMATION ABOUT FILING AN APPLICATION FOR ORDER TO SHOW CAUSE REGARDING CONTEMPT

The forms must be typewritten or legibly handwritten in black ink.

There is no fee to file this document, so long as you have paid you fee with the initial filing of your documents.

There are facilities for copying your documents at the Court Clerk's office at the charge of **$.50 per page.** Therefore, it is recommended that you make any copies of the documents you may want, or need, prior to going to the Court Clerk's office. You will need **two** copies of each document to be filed unless told otherwise. If exhibits are attached to the original document, a copy of the exhibits must be attached to each copy.

Location of the Court Clerk's Office

The Court Clerk's Office for WHITE PINE COUNTY is 801 Clark St, Ste 4, Ely, NV 89301 on the first floor. The phone number is (775) 293-6509

If you are mailing the documents to the Court Clerk's office for filing, OR if you have submitted an Order of Decree for the Judge to sign, **it is strongly suggested that you provide a self-addressed, stamped envelope when you file your documents. A copy of the file-stamped documents will then be mailed to you.**

FILLING OUT THE DOCUMENTS

1. **For All Documents**: Fill in the spaces on lines 9 through 13, **exactly** as they appear in your other documents. This is the "heading" of the document and it is always the same. If you are the Plaintiff in the original document, you will remain the Plaintiff; if you are listed as the Defendant in the original document, you will remain the Defendant. The Case No. and Dept. No. are always the same.

2. The Application: Complete all pertinent parts and sign the form. **This document must be signed in the presence of a Notary Public.**

3. The Certificate of Service: The opposing party must be personally served with a copy of the documents. Service may be made by mail or by personal service. After the documents have been completed, place an "x" on the appropriate line indicating the method of service. The Certificate is to be filled out and signed by the person who actually mails or personally serves a copy of the documents on the other party or their attorney.

4. Once the documents are completed, make two copies of each. Serve **one copy** as noted in the Certificate of Service. If there are multiple parties, make enough copies for yourself and each party. Take the original **and one copy** to the Court Clerk to be filed. The copy will be returned to you for your file.

5. The Request for Submission: In order to submit a Motion, Request, Objection, Petition, or other original document to the court for consideration, a Request for Submission must be filed. The Court may not review the file unless this document is filed.

6. Important Note: The other party has thirteen (13) days in which to file a response to your document.

7. If the other party files an opposition, you have five (5) days within which to file a Reply. Your Reply is limited to strictly what the other party refers to in their response. No new issues can be made in your Reply. New issues must be done in another Motion.

8. The Request for Submission should be filed along with your Reply. In addition, a new Certificate of Service must be completed for both the Reply and Request for submission.

9. If the other party does NOT respond within thirteen (13) days, you may file the Request for Submission form, together with a new Certificate of Service. However, if you do not receive a copy of the opposition, it is your responsibility to contact the filing clerk to ensure one has not been filed.

10. Once the documents are completed, make two copies of each. Serve **one copy** as noted in the Certificate of Services. If there are multiple parties, make enough copies for yourself and each party. Take the original **and one copy** to the Court Clerk to be filed. The copy will be returned to you and your file.

11. The Order: Complete all information, but do not fill in the dates, times, or sign the document.

12. Submit the original Order and two copies to the Court Clerk, who will give them to the Judge. If the Order is signed, a file-stamped copy will be mailed to you if you have provided a self-addressed, stamped envelope.

13. The Judge may schedule a hearing for the matter rather than signing the Order at that time. If so, you will be notified by mail of the time and date of the hearing. The Order should be prepared to be submitted to the Judge at the hearing, if not previously provided.

14. Serving the Order: Once the Order has been filed, the following must be personally served on the other party:
    a. A copy of the Order to Show Cause
    b. A copy of the Application for Order to Show Cause Regarding Contempt
    c. A Copy of the Request for Submission.

15. **Because you are a party to the action, you cannot serve the documents on the other party**. Service may be made:
    a. By a Civil Division of the Sheriff's Office in the county in which the other party lives or works.
    b. By a responsible adult over the age of 18 years, such as a friend or relative.
    c. By a private process service.

16. The Sheriff's Office and private process service will charge a fee for service of the documents.

17. The Affidavit: Once the other party has been personally served with a copy of the documents, the Affidavit of Personal Service must be filled out and signed by the person who actually serves the documents on the other party or their attorney.

18. **This document must be signed in the presence of a Notary Public by the person who made the service.**

19. If you use the Sheriff's Office or a licensed professional form or person to serve the documents, they will have their own return of service filed with the Court and you do not have to be concerned about filing the Affidavit of Personal Service.

20. Once the Affidavit of Service has been notarized, make two copies. Take the original **and copies** to the Court Clerk to be filed. The copies will be returned to you, one copy is for your file, the second can be mailed to the other party.

21. **IMPORTANT: If other documents are not served on the other party in a timely manner and if the Affidavit of Personal Service is not filed with the Court prior to the hearing date, the hearing cannot be held.**

If you need guidance in filling out the forms or in the procedure of the case, seek the advice of a private attorney.

NOTE: YOU MAY NOT USE THESE FORMS IF YOU ARE PRESENTLY REPRESENTED BY AN ATTORNEY IN THIS MATTER.

Case No.

Dept. No.

The undersigned hereby affirms that this document does not contain the social security number of any person.

_____

IN THE 7TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WHITE PINE

_____,

Plaintiff,

v.

APPLICATION FOR ORDER TO SHOW CAUSE REGARDING CONTEMPT

_____,

Defendant.

_____/

I, _____, in proper person, requests that this
(Your name)
Court issue and Order to Show Cause why _____ should not be held
(Other party's name)
in contempt of court for having deliberately and willfully violated the Court Order dated and signed by the District Judge on _____. A copy of the relevant portion of
(Date order was signed)
the Order is attached to this Application.

According to the Order, _____ was required to:
(Other party's name)

(State exactly what the other party was ordered to either do or was prohibited from doing)

_____

_____

_____

_____

_____

I believe that _____ has violated the Court Order in the following way:
(Other party's name)

If more space is needed, you may attach additional sheets of paper.

I therefore request that _____ be ordered to appear in Court to show cause why _____ should not be held in contempt of Court.
(Other party's name)
(he/she)

///

POINTS AND AUTHORITIES FOR THE APPLICATION FOR ORDER TO SHOW CAUSE

Nevada Revised Statutes 1.210(2) states that "The Court has the power to compel obedience to its orders" and Nevada Revised Statutes 22.010(3) provides that "the refusal to abide by a lawful order issued by the Court is contempt."

I declare under the penalties of perjury that the facts and allegations in this Application are true and correct to the best of my knowledge and belief.

STATE OF NEVADA)
) ss:
COUNTY OF _____)

I, _____, being first duly sworn, under penalties of perjury, that
(Your name)
I have read this document and that the contents are true and correct of my own personal knowledge and belief.

Date: _____

_____
(Print Name)

_____
(Signature)

_____
(Address)

_____

_____
(Telephone number)

SUBSCRIBED and SWORN to before me

This ____ day of _____, _____.

_____
NOTARY PUBLIC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that they are 18 years of age or older, and on this date served a true and correct copy of the document/s entitled: _____

_____

(Clearly list all documents you served

In the following way: ***(check the appropriate blank, and fill in the appropriate information)***

IF THE DOCUMENTS WERE SERVED BY MAIL:

_____ by placing a copy enclosed in a sealed envelope upon which first class postage was fully prepaid

_____ by placing a copy enclosed in a sealed envelope and mailing it certified, return receipt requested

The envelope was addressed to:

(Name) _____ at

(Address) _____

_____

And that there is regular communication by mail between the place of mailing and the place addressed.

IF THE DOCUMENTS WERE PERSONALLY SERVED:

_____ by personally serving:

(Name) _____ at

(Address) _____

_____

DATED: This ____ day of _____, _____.

_____

(Signature of person who performed service)

_____

_____

_____

_____

_____

_____

_____

If you need more space, you may attach additional sheets of paper.
Be sure to write only on one side of the sheet.

I, _____ request a hearing on this matter.
(do or do not)

If a hearing is requested, please state why you feel a hearing is necessary:

_____

_____

_____

_____

_____

_____

_____

Date: _____

_____
(Print Name)

_____
(Signature)

_____
(Address)

_____

_____
(Telephone number)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that they are 18 years of age or older, and on this date served a true and correct copy of the document/s entitled: _____

_____

(Clearly list all documents you served

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(Address) _____

_____

And that there is regular communication by mail between the place of mailing and the place addressed.

IF THE DOCUMENTS WERE PERSONALLY SERVED:

_____ by personally serving:

(Name) _____ at

(Address) _____

_____

DATED: This ____ day of _____, _____.

_____

(Signature of person who performed service)

Case No. _____

Dept. No. _____

The undersigned hereby affirms that this document does not contain the social security number of any person.

_____

IN THE 7TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WHITE PINE

_____,
Plaintiff

VS.

REQUEST FOR SUBMISSION

_____,
Defendant

_____/

I, _____, the _____ in this matter,
(Your Name) (Plaintiff or Defendant)

request the _____ filed on _____
(Title of Document you want submitted to the Court) (Date document filed)

in this case be submitted to the Judge for consideration and determination.

Dated: _____

Your Signature: _____

Name (Printed): _____

Address: _____

_____

Phone: _____

Case No. _____

Dept. No. _____

The undersigned hereby affirms that this document does not contain the social security number of any person.

_____

IN THE 7TH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WHITE PINE

_____,
Plaintiff

vs.

ORDER TO SHOW CAUSE

_____,
Defendant

_____/

This Court, having read the Application for Order to Show Cause filed by _____, (Your name) and good cause appearing:

IT IS HEREBY ORDERED that _____ (Other party's name) appear before this Court at _____ on the _____ day of _____, 20____, then and there to show cause, if any they have, why the should not be held in contempt of Court and fined accordingly.

Dated: This _____day of _____, 20_____.

_____
DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

The undersigned hereby certifies that they are 18 years of age or older, and on this date served a true and correct copy of the document/s entitled: _____

_____

(Clearly list all documents you served

In the following way: ***(check the appropriate blank, and fill in the appropriate information)***

IF THE DOCUMENTS WERE SERVED BY MAIL:

_____ by placing a copy enclosed in a sealed envelope upon which first class postage was fully prepaid

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(Name) _____ at

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_____

And that there is regular communication by mail between the place of mailing and the place addressed.

IF THE DOCUMENTS WERE PERSONALLY SERVED:

_____ by personally serving:

(Name) _____ at

(Address) _____

_____

DATED: This ____ day of _____, _____.

_____

(Signature of person who performed service)