

1 _____
(Name)

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(Address)

3 _____
(City, State, Zip)

4 _____
(Telephone)

5 ☐ Plaintiff/ ☐ Defendant, In Proper Person

6
7 **JUSTICE COURT, TOWNSHIP OF _____**

8 **CLARK COUNTY, NEVADA**

9 _____
10 _____,

11 Plaintiff(s),

12 vs.

13 _____
14 _____,

15 Defendant(s).

Case No.: _____

Dept. No.: _____

16 **MOTION FOR SUMMARY JUDGMENT**

17 Pursuant to JCRCP 56, (check appropriate box and insert your name) ☐ Plaintiff/ ☐ Defendant,
18 _____ (the "Moving Party"), appearing in proper
19 person, submits this motion to demonstrate to the Court that there is no genuine issue of material
20 fact in this case and that the Moving Party is entitled to a judgment as a matter of law.

21 This motion is based upon and supported by the following Memorandum of Points and
22 Authorities, the pleadings and papers on file in this case, the attached affidavits and exhibits, and
23 any argument that the Court may allow at the time of hearing.

24 DATED: _____, 20____.

25 Pursuant to NRS 53.045, I declare under penalty of
26 perjury that the foregoing is true and correct.

27 _____ (Signature)

28 ☐ Plaintiff/ ☐ Defendant, In Proper Person

///

1 **NOTICE OF MOTION**

2 TO: _____ (Insert Name of Nonmoving Party)

3 (*NOTE: Sign below, but DO NOT insert date and time for hearing. The court clerk will complete upon filing.*)

4 YOU AND EACH OF YOU take notice that on the _____ day of _____,
5 20____, at the hour of ____ o'clock ____m., of said day, the above **MOTION FOR SUMMARY**
6 **JUDGMENT** will be heard in Department ____ of the above-entitled Court.

7 **NOTICE:**

8 **YOU ARE REQUIRED TO FILE WITH THE COURT AND SERVE ON THE MOVING**
9 **PARTY A WRITTEN "OPPOSITION" TO THIS MOTION WITHIN 10 JUDICIAL**
10 **DAYS. YOUR FAILURE TO FILE AND SERVE A WRITTEN OPPOSITION MAY BE**
11 **UNDERSTOOD AS AN ADMISSION THAT THE MOTION IS VALID, AND MAY**
12 **RESULT IN THE COURT GRANTING THE RELIEF REQUESTED IN THE MOTION**
13 **AGAINST YOU.**

14 **NOTICE TO PRO SE LITIGANT**
15 **WHO OPPOSES A MOTION FOR SUMMARY JUDGMENT:**

16 **The other party in this case has moved for summary judgment pursuant to Rule 56 of the**
17 **Justice Court Rules of Civil Procedure. This means that the moving party has asked the**
18 **court to decide this case without a trial, based on written materials, including affidavits**
19 **and unsworn declarations, submitted in support of the motion. IF YOU DO NOT**
20 **TIMELY RESPOND TO THE MOTION BY FILING AFFIDAVITS OR UNSWORN**
21 **DECLARATIONS AS REQUIRED BY RULE 56 OF THE JUSTICE COURT RULES**
22 **OF CIVIL PROCEDURE, THE COURT MAY ENTER A JUDGMENT AGAINST YOU**
23 **AND IN FAVOR OF THE MOVING PARTY WITHOUT A TRIAL.**

24 DATED: _____, 20____.

25 Pursuant to NRS 53.045, I declare under penalty of
26 perjury that the foregoing is true and correct.

27 _____ (Signature)
28 ☐ Plaintiff/ ☐ Defendant, In Proper Person

29 **MEMORANDUM OF POINTS AND AUTHORITIES**

30 **I. STATEMENT OF UNDISPUTED FACTS**

31 The following material facts are not in dispute in this case:

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II. STANDARD FOR SUMMARY JUDGMENT

JCRCP 56(c) states in relevant part that “[t]he judgment sought shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” "The substantive law controls which factual disputes are material and will preclude summary judgment; other factual disputes are irrelevant." *Wood v. Safeway, Inc.*, 121 Nev. 724, 731, 121 P.3d 1026, 1031 (2005).

1 As stated by the Nevada Supreme Court, "[w]hile the pleadings and other proof must be
2 construed in a light most favorable to the nonmoving party, that party bears the burden to 'do
3 more than simply show that there is some metaphysical doubt' as to the operative facts in order to
4 avoid summary judgment being entered in the moving party's favor. The nonmoving party 'must,
5 by affidavit or otherwise, set forth specific facts demonstrating the existence of a genuine issue
6 for trial or have summary judgment entered against him.' The nonmoving party 'is not entitled
7 to build a case on the gossamer threads of whimsy, speculation, and conjecture.'" *Id.* at 732,
8 121 P.3d at 1031.

9 **III. LEGAL ARGUMENT**

10 In this case, there is no genuine issue of material fact, and the pleadings, depositions,
11 answers to interrogatories, admissions, and affidavits before the Court demonstrate that the
12 Moving Party is entitled to judgment as a matter of law as discussed below:

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CONCLUSION

Based upon the facts and legal argument set forth above, this Court should enter judgment in favor of the Moving Party.

DATED: _____, 20____.

Pursuant to NRS 53.045, I declare under penalty of perjury that the foregoing is true and correct.

☐ Plaintiff/ ☐ Defendant, In Proper Person (Signature)

CERTIFICATE OF MAILING

Pursuant to JCRCP 5(b)(2)(B), I HEREBY CERTIFY that on *(insert date of mailing)*
_____, 20____, I placed a true and correct copy of the above **MOTION**
FOR SUMMARY JUDGMENT in the United States Mail at Las Vegas, Nevada, with first-
class postage prepaid, addressed to the following *(insert name and address of opposing party's attorney,*
or opposing party if unrepresented):

DATED: _____, 20____.

Pursuant to NRS 53.045, I declare under penalty of
perjury that the foregoing is true and correct.

☐ Plaintiff/ ☐ Defendant, In Proper Person *(Signature)*