

FILING CODE: OPPTS

Your Name: _____

Address: _____

Telephone: _____

Email Address: _____

Self-Represented

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Plaintiff,

vs.

Defendant.

CASE NO.: _____

DEPT: _____

DATE OF HEARING: _____

TIME OF HEARING: _____

Optional: If a hearing is not currently set, would you like one? (*check one, the clerk will set a hearing if needed*)

Yes. Hearing Date: _____

Hearing Time: _____

No.

OPPOSITION TO SET ASIDE ORDER, JUDGMENT, AND/OR DEFAULT

(Your name) _____ files this Opposition to Set Aside Order, Judgment, and/or Default.

Submitted By: _____

Plaintiff / Defendant

**POINTS AND AUTHORITIES
LEGAL ARGUMENT**

The court may set aside a final order or judgment pursuant to Nevada Rule of Civil Procedure 60(b) for the following reasons:

- (1) mistake, inadvertence, surprise, or excusable neglect;
- (2) newly discovered evidence which by due diligence could not have been discovered in time to move for a new trial under Rule 59(b);

* 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 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.

- (3) fraud, misrepresentation or other misconduct of an adverse party;
- (4) the judgment is void; or
- (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which it is based has been reversed or otherwise vacated, or it is no longer equitable that an injunction should have prospective application.

The motion shall be made within a reasonable time, and for reasons (1), (2), and (3) not more than 6 months after the proceeding was taken or the date that written notice of entry of the judgment or order was served.

When a default order is entered against a party who was never personally served with the summons and complaint, the court may set aside the order pursuant to Nevada Rule of Civil Procedure 60(c) so the party can answer the merits of the original action. A defaulted party must file a motion within 6 months of the date of service of written notice of entry of the order.

In addition, a default may be set aside for good cause. NRCP 55(c).

FACTS AND ARGUMENT

1. **The default or order, filed on _____ should not be set aside because:**

2. **Opposition to Other Relief.** I would like the Court to deny the Other Relief requested in the Motion to Set Aside Order, Judgment and/or Relief: *(Explain why the judge should not grant the relief the other party request. Be specific.)*

I respectfully ask the Court to deny the Motion to Set Aside Order, Judgment, and/or Default and any other relief the Court finds appropriate.

DATED _____, 20____.

Submitted By: *(your signature)* _____
(print your name) _____

DECLARATION IN SUPPORT OF OPPOSITION TO MOTION TO SET ASIDE

I declare, under penalty of perjury:

- a. I have read the foregoing motion, and the factual averments it contains are true and correct to the best of my knowledge, except as to those matters based on information and belief, and as to those matters, I believe them to be true. Those factual averments contained in the referenced filing are incorporated here as if set forth in full.
- b. Any Exhibit(s) in support of this Motion will be filed separately in an Exhibit Appendix.

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

DATED _____, 20____.

Submitted By: *(your signature)* _____
(print your name) _____