FILING CODE: OPPS Your Name: Address:	
Address:	
Telephone:	
Email Address:	
Self-Represented	
DISTRIC	T COURT
CLARK COUN	NTY, NEVADA
Plaintiff, I vs. I	CASE NO.: DEPT: DATE OF HEARING: TIME OF HEARING:
Defendant.	<i>Optional:</i> If a hearing is not currently set, would you like one? (⊠ <i>check one, the clerk will set a hearing if needed</i> )
	□ 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);

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Opposition to Motion to Set Aside

<sup>\*</sup> You are responsible for knowing the law about your case. For more information on the law, this form, and free classes, visit <u>www.familylawselfhelpcenter.org</u> 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, Judgement 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) \_\_\_\_\_