

1 CODE: 2840

**FILED**

JUL 02 2004

By Ronald A. Longtin, Jr. Clerk  
DEPUTY

7 IN THE FAMILY DIVISION OF  
8 THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
9 IN AND FOR THE COUNTY OF WASHOE

11 ANDREW E. FURER,

12 Plaintiff,

Case No. DV04-01560

13 vs.

Dept. No. 5

14 ELOISA B. FURER,

15 Defendant.

16 **ORDER DENYING EX PARTE MOTION**  
17 **WITH LEAVE TO RESUBMIT AS NOTICE MOTION**

18 The Court has reviewed Mr. Furer's Ex Parte Emergency Motion for Exclusive  
19 Possession of Residence, filed on July 2, 2004, and all supporting documents.

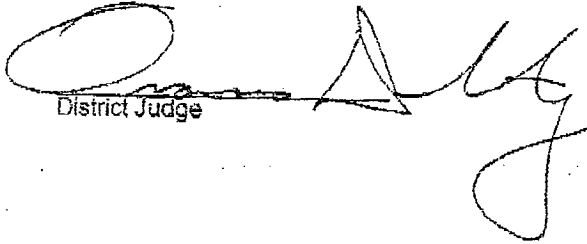
20 Under Washoe District Court Rule (12)(2), the party requesting relief must generally  
21 serve the opposing party and attach proof of service to the pleading. Service of the pleading  
22 is required so that a Court cannot infringe on an individual's interests without notice. Ex-parte  
23 motions are disfavored by law because they do not allow the Court to hear both sides of the  
24 case. Under Washoe District Court Rule 43(2)(b), ex parte orders may be granted only in  
25 clear and grave emergencies.

26 The Court finds that Mr. Furer has not shown a clear and grave emergency sufficient  
27 to grant this motion on an ex parte basis. Many of the allegations are very concerning.

1 However, they do not demonstrate an emergency situation that is so imminent and grave that  
2 the Court should grant the motion without a response from Ms. Furer. The ex parte aspect of  
3 the motion is therefore denied. If he chooses, Mr. Furer may serve the other party with a copy  
4 of the motion, wait the requisite time period for a response and resubmit the motion.

5 **IT IS SO ORDERED.**

6 Dated: July 2, 2004.

7   
8 District Judge

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28