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

In the Matter of the Divorce of

ANDREW E. FURER,

and

ELOISA B. FURER,

Petitioners.

Case No. DV04-01626

Dept. No. 5

ORDER DENYING EX PARTE MOTION AS MOOT; ORDER TO PROCEED WITH CASE AS A CONTESTED DIVORCE

The Court has reviewed Ms. Furer's Ex Parte Motion to Dismiss Joint Petition filed on July 16, 2004, Mr. Furer's Opposition filed July 19, 2004, other pertinent papers and pleadings, and makes the following order.

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

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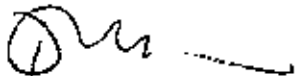
This is not a matter properly brought on an ex parte emergency basis. Both parties in this case are advised that Court resources are precious and the filing of frivolous "emergency" motions is discouraged. The Court may *sub sponte* impose sanctions on the parties or their counsel should they persist in filing ex parte motions which are more appropriately filed as notice motions.

NRS 125.183 states that at any time before the entry of final judgment either party may revoke the joint petition and terminate the summary proceeding for divorce. Thus, the Court will construe Ms. Furer's Ex Parte Motion as a Notice of Revocation. The parties shall proceed with this case as a contested divorce. There is no need to close this case and open another. The matter shall proceed in this case.

The Ex Parte Motion is denied as it is moot.

IT IS SO ORDERED.

Dated: July 19, 2004.



District Judge