

1 **Rule 10. Form of Pleadings**

2 (a) **Caption; Names of Parties.** Every pleading must have a caption with the  
3 court’s name, the county, a title, a case number, and a Rule 7(a) designation. The  
4 caption of the complaint must name all the parties; the caption of other pleadings,  
5 after naming the first party on each side, may refer generally to other parties.

6 (b) **Paragraphs; Separate Statements.** A party must state its claims or  
7 defenses in numbered paragraphs, each limited as far as practicable to a single set  
8 of circumstances. A later pleading may refer by number to a paragraph in an earlier  
9 pleading. If doing so would promote clarity, each claim founded on a separate  
10 transaction or occurrence—and each defense other than a denial—must be stated in  
11 a separate count or defense.

12 (c) **Adoption by Reference; Exhibits.** A statement in a pleading may be  
13 adopted by reference elsewhere in the same pleading or in any other pleading or  
14 motion. A copy of a written instrument that is an exhibit to a pleading is a part of  
15 the pleading for all purposes.

16 (d) **Using a Fictitious Name to Identify a Defendant.** If the name of a  
17 defendant is unknown to the pleader, the defendant may be designated by any name.  
18 When the defendant’s true name is discovered, the pleader should promptly  
19 substitute the actual defendant for a fictitious party.

20 **Advisory Committee Note—2018 Amendment**

21 Rule 10 is generally conformed to the federal rule. Nevada specific provisions  
22 relating to captions of pleadings in Rule 10(a) are retained, and the naming of  
23 fictitious defendants, in the prior NRCPC 10(a), was moved to Rule 10(d). The text of  
24 Rule 10(d) is modified to reflect that a plaintiff moving to substitute a defendant  
whose name or connection to the action was discovered is not technically an  
amendment of a pleading under Rule 15, but a substitution of parties under this rule.  
If the substitution is proper under Nevada case law governing this rule, then the

1 substitution automatically relates back to the filing of the pleading. The current  
2 controlling case is *Nurenberger Hercules-Werke GMBH v. Virostek*, 107 Nev. 873, 881,  
3 822 P.2d 1100, 1106 (1991) (“[T]he effective utilization of Rule 10[(d)] requires: (1)  
4 pleading fictitious or doe defendants in the caption of the complaint; (2) pleading the  
5 basis for naming defendants by other than their true identity, and clearly specifying  
6 the connection between the intended defendants and the conduct, activity, or  
7 omission upon which the cause of action is based; and (3) exercising reasonable  
8 diligence in ascertaining the true identity of the intended defendants and promptly  
9 moving to amend the complaint in order to substitute the actual for the fictional.”).  
10 If substitution cannot be had under this rule, then an amendment to add a party  
11 under NRCP 15 may be made, if appropriate under that Rule.