

1 **NRCP 81 – Proposed**  
2 **(Retain Nevada with edits)**

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3 **XI. GENERAL PROVISIONS**

4 **Rule 81. Applicability of the Rules in General; Remanded Actions**

5 (a) **To What Proceedings Applicable.** These rules do not govern  
6 procedure and practice in any special statutory proceeding insofar as they are  
7 inconsistent or in conflict with the procedure and practice provided by the  
8 applicable statute.

9 (b) **Reserved.**

10 (c) **Remanded Actions.** A plaintiff whose action is removed from state to  
11 federal court and thereafter remanded shall file and serve written notice of entry of  
12 the remand order. No default may be taken against a defendant in the remanded  
13 action until 14 days after service of notice of entry of the remand order. Within that  
14 time, a defendant may answer or respond as it might have done had the action not  
15 been removed.

16 (d) **Reserved.**

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18 **Advisory Committee Note—2018 Amendments**

19 Rule 81(a) retains the first sentence of the prior NRCP 81(a). The second  
20 sentence from the prior NRCP 81(a) previously stated: “Where the applicable  
21 statute provides for procedure under the former statutes governing civil actions,  
22 such procedure shall be in accordance with these rules.” This sentence was deleted  
23 as superfluous because it does not appear that any remaining pre-1955 Nevada  
24 statute references the former statutes governing civil actions. The third sentence

1 from the prior NRCP 81(a) previously stated: “Appeals from a district court to the  
2 Supreme Court of Nevada, and applications for extraordinary writs in the Supreme  
3 Court are governed by the Nevada Rules of Appellate Procedure.” This sentence  
4 was added in 1973 when NRCP 72 through 76A were deleted from these rules and  
5 the Nevada Rules of Appellate Procedure were adopted. The Committee believes  
6 that practitioners are now sufficiently familiar with the NRAP and which sets of  
7 rules govern district court and appellate procedure, and deleted the third sentence  
8 as superfluous. Rule 81(c) was stylistically revised.

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