Alverson Taylor & Sanders
Nevada's Law Firm

NEVADA
Legal Update
Spring 2021

HIGHLIGHTS

Two-Year Statute of Limitations Period for Personal Injury Claims is Subject to Equitable Tolling

The two-year limitations period for personal injury and wrongful death claims is subject to equitable tolling when the plaintiff demonstrates reasonable diligence in pursuing his claims and extraordinary circumstances prevented him from timely filing the complaint.

Subsequent Negligent Medical Provider Liable to Original Tortfeasor in Contribution After Plaintiff Reaches Settlement with Original Tortfeasor

An original tortfeasor has a right to contribution against a subsequent negligent medical provider where the original tortfeasor settles with the plaintiff and plaintiff extinguishes all claims against the medical provider.

Employer May Offer Employee Temporary Light-Duty Work in Lieu of Temporary Total Disability Benefits, So Long as Light-Duty Work is Reasonable

An employer may offer an employee who files a workers' compensation claim temporary light-duty work in lieu of temporary total disability benefits, so long as the temporary light-duty work is reasonable as to location, hours, wages and benefits, pursuant to NRS 616C.475(8).

NEVADA SUPREME COURT DECISIONS

Statute of Limitations

Two-Year Statute of Limitations Period for Personal Injury Claims is Subject to Equitable Tolling

A civil torts complaint was initially filed by Plaintiff Jaqueline Fausto on July 2, 2019, alleging that on December 30, 2016, after an evening out with Defendant Ricardo Sanchez-Flores, Defendant took advantage of Fausto's intoxicated state and sexually assaulted her. Because Fausto's civil complaint was filed two and one-half years after the alleged sexual assault occurred, Defendant filed a motion to dismiss, pursuant to NRCP 12(b)(5). In opposition, Plaintiff argued that the two-year statute of limitations should be tolled because she could not have brought her claim before she received the rape kit results, which became available to her on February 2, 2019. The district court found that the statute of limitations at question was not subject to tolling and therefore granted Defendant's motion to dismiss.

On appeal, the Nevada Supreme Court had to first decide whether the statute of limitation was subject to equitable tolling. NRS 11.190(4)(e) provides a two-year statute of limitations for "an action to recover damages for injuries to a person or for the death of a person caused by the wrongful act or neglect of another." The two-year period begins to run "when the wrong occurs and a party sustains injuries for which relief could be sought." *Petersen v. Bruen*, 106 Nev. 271, 274 (1990). The Supreme Court explained that the doctrine of equitable tolling was a non-statutory remedy that permitted a court to suspend a limitations period and allow an otherwise untimely action to proceed when justice required. The Court found the main purpose of a statute of limitations such as NRS 11.190(4)(e) was primarily to prevent surprises through the revival of claims that have been allowed to slumber until evidence has been lost, memories have faded, and witnesses have disappeared. Because the main purpose of the statute of limitations was to allow a Plaintiff to pursue her claims diligently, when an extraordinary circumstance prevents her from bringing a timely action the restriction imposed by the statute of limitations does not further the statute's purpose.

When determining whether a statute of limitations is subject to equitable tolling, the Court explained that the inquiry begins with understanding the Legislature's intent. Equitable tolling was first adopted in Nevada in the context of employment discrimination. See *Copeland v. Desert Inn Hotel*, 99 Nev. 823, 826 (1983). However, since *Copeland*, the Nevada Supreme Court has applied the doctrine of equitable tolling in other contexts such as taxpayer refund claims and complaints asserting prohibited labor practices against a local government agency. Based on the evolving expansion of equitable tolling and the presumption that the Legislature legislates with common law principles such as equitable tolling in mind, the Court found no reason to reject its appli-

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cation to NRS 11.190(4)(e).

The Nevada Supreme Court then discussed the standard for equitable tolling as it related to NRS 11.190(4)(e). The Court re-emphasized a list of nonexclusive factors discussed in *Copeland* to determine whether equitable tolling was appropriate. These factors included: the diligence of the plaintiff; the plaintiff's knowledge of the relevant facts; the plaintiff's reliance on authoritative statements by the administrative agency that misled the plaintiff about the nature of the plaintiff's rights; any deception or false assurances on the part of the party against whom the claim was made; the prejudice that would actually result from delay during the time that the limitations period was tolled; and any other equitable considerations appropriate to the case. The Court acknowledged that some of these factors were inapplicable to the personal injury but determined that the majority of these factors were relevant and would be adopted for personal injury statute of limitation equitable tolling determinations. The Court emphasized that its main focus was whether Plaintiff pursued her rights diligently and whether some extraordinary circumstance stood in her way.

The Court concluded that Plaintiff failed to demonstrate diligence in bringing a timely action, or that extraordinary circumstances prevented her from timely asserting her claims against Sanchez-Flores, and affirmed the district court's order dismissing the case. *Fausto v. Sanchez-Flores*, 137 Nev. Adv. Op. 11 (Mar. 11, 2021).

Contribution

Subsequent Negligent Medical Provider Liable to Original Tortfeasor in Contribution After Plaintiff Reaches Settlement with Original Tortfeasor

Pursuant to NRS 17.225(1), where two or more persons become jointly and severally liable in tort for the same injury, there is a right to contribution among them. Contribution permits a tortfeasor who has paid more than his equitable share of the common liability, to recover the excess from a second tortfeasor, up to the amount of the second tortfeasor's equitable share of the entire liability. NRS 17.225(2). A right to contribution only exists when the original tortfeasor settles with the plaintiff and the settlement extinguishes plaintiff's claims against the second tortfeasor. NRS 17.225(3).

Maria Gonzales was injured in a motor vehicle accident involving a truck driven by Plaintiff Republic Silver State Disposal, Inc.'s (Republic) employee. Defendant, Dr. Andrew Cash, treated Ms. Gonzales' original injury and allegedly caused further injuries. Ms. Gonzales only sued Republic and its employee and Ms. Gonzales and Republic settled for $2,000,000.00. In the settlement agreement, Ms. Gonzales discharged any and all claims against her medical providers.

Following the settlement with Ms. Gonzales, Republic filed a lawsuit against Dr. Cash and his practice, Desert Institute of Spine Care, LLC, for contribution alleging that Dr. Cash committed malpractice and caused new and different injuries. Republic argued that the settlement discharged Ms. Gonzales' claims against Dr. Cash and imposed liabilities on Republic in excess of its equitable share. Conversely, Dr. Cash argued that pursuant to Republic's allegations, he was a successive tortfeasor rather than a joint tortfeasor and that no right of contribution existed among successive tortfeasors. The district court concluded that contribution was not available between successive tortfeasors and granted summary judgment for Dr. Cash.

On appeal, the Nevada Supreme Court acknowledged that it has repeatedly permitted contribution claims by original tortfeasors against doctors who subsequently negligently treat the original injury. It was well-settled in Nevada that the original tortfeasor was liable for the malpractice of the attending physician, but the Nevada Supreme Court reasoned that subsequent medical providers should not be relieved of liability for their own actions. Instead, both the original tortfeasor and the physician were liable for injuries caused by malpractice and were "joint tortfeasors in this regard." Although an original tortfeasor may be liable for plaintiff's entire harm, a medical care provider who negligently aggravated the plaintiff's initial injuries was not jointly and severally liable for the entire harm but was liable only for the additional harm caused by the negligent treatment.

Interpreting the Uniform Contribution Among Tortfeasors Act (UCATA), which Nevada has adopted, the Supreme Court found that a right to contribution was present where there was an injury for which two persons were jointly and severally liable, regardless of whether the tortious conduct could be characterized as successive. Therefore, the Court found that Republic, as the original tortfeasor, was liable for Dr. Cash's malpractice in treating Ms. Gonzales' original injury. Moreover, Dr. Cash was liable to Republic for his liability. The Supreme Court found that the district court erred in concluding that Dr. Cash was not subject to a right of contribution because he and Republic were successive tortfeasors. The Court further noted that the disposition of Ms. Gonzales' claims by settlement between Republic and Ms. Gonzales did not impair the right of contribution in a subsequent suit by Republic against Dr. Cash, as the UCATA expressly recognized that a right of contribution can arise from a settlement between the injured plaintiff and one tortfeasor, so long as the settlement extinguished the other tortfeasor's liability for the original tort. Here, the settlement agreement plainly discharged any claims Ms. Gonzales may have against a medical provider and thus extinguished Dr. Cash's liability to Ms. Gonzales. Finally, Republic commenced its action for contribution within one year of settlement as required by NRS 17.285(4)(b). The Court therefore reversed the district court's order granting summary judgment for Dr. Cash and remanded the case back to the district court. *Republic Silver State Disposal, Inc. v. Cash*, 136 Nev. Adv. Op. 88 (Dec. 31, 2020).

Trusts and Estates

Creditor of Settlor of a Trust may Bring Claim Against a Trust So Long as Settlor's Interest in the Trust is not Solely Discretionary

Nancy and Raymond Christian, Sr. (Settlors) created the Christian Family Trust, naming Plaintiffs Susan Christian-Payne, Rosemary Keach and Raymond Christian, Jr. as co-trustees. Under the Trust, Nancy and Raymond had a mandatory interest in the income and principal of their own separate property. The terms of the Trust provided that after the death of one Settlor, the trustee may in his or her discretion, "pay… the administrative expenses, the expenses of the last illness and funeral of the decedent and any debt owed by the decedent." The Trust did not provide a similar provision governing the death of the second Settlor.

Raymond died first, which, under the Trust, left Nancy with a discretionary interest in the remaining income of the Trust property and a mandatory interest in the residence. After Raymond's death, Nancy removed all trustees and appointed her son from a different marriage, nonparty Monte Reason, as trustee. Plaintiffs challenged the replacement in district court and Nancy retained Defendant Anthony L. Barney, Ltd. to represent her. After Nancy's death, Mr. Barney sent letters to Mr. Reason as trustee, requesting attorney's fees and costs for representing Nancy. Mr. Reason approved Mr. Barney's request and over Plaintiffs' objection, the district court ordered $53,031.97 of frozen trust funds be released to pay Mr. Barney.

On appeal, Plaintiffs argued that the Trust did not allow for payment of Mr. Barney's attorney's fees. The Nevada Supreme Court reasoned that a creditor may bring a claim against a settlor for the assets of a trust so long as the settlor's interest in the trust was not purely discretionary. NRS 163.5559(1). A discretionary interest was a discretionary power granted to a person other than the settlor. Here, the Court found that Nancy did not solely have a discretionary interest because she also had a mandatory interest as to her possession of the residence and certain personal property of Raymond. Additionally, the Court found that the Trust's spendthrift provision did not apply to a settlor's interest in the Trust estate.

Upon finding that the Trust did allow for payment of Mr. Barney's fees, the Court determined that Mr. Barney satisfied the procedural requirements to file a creditor's claim. Pursuant to NRS 164.025, claims against a settlor must be filed with the trustee after the death of a settlor, but within 90 days from notice that the settlor has died. The Court found that Mr. Barney satisfied the requirement by sending letters to Mr. Reason within 90 days of Nancy's death notifying him of his claim against her. The Court placed emphases on the Trustee's broad discretion to approve Mr. Barney's claim. Because Mr. Reason used his broad discretionary power to approve payment and because Mr. Barney, as a creditor of the Settlor, followed proper procedural requirements, the Nevada Supreme Court affirmed the district court's order allowing $53,031.97 of frozen trust funds to be released to pay Mr. Barney. *Christian Family Trust U.A.D. 10/11/16 v. Anthony Barney, Ltd.*, 136 Nev. Adv. Op. 73 (Dec. 03, 2020).

Disability Benefits

Employer May Offer Employee Temporary Light-Duty So Long as Light-Duty Work is Reasonable

Plaintiff Vance Taylor, a fire captain for the Fire Protection District, appealed a decision of the workers' compensation administrator terminating his temporary total disability (TTD) benefits. In April 2016, while working as a fire captain for Defendant Truckee Meadows Fire Protection District (TMFPD), Mr. Taylor severely injured his shoulder during a training exercise. Mr. Taylor filed a claim for workers' compensation and received TTD benefits. While he awaited surgery on his shoulder, in lieu of TTD benefit payments, Mr. Taylor accepted light-duty work at TMFPD's administrative office, where he worked as a secretary Monday through Friday from 8 a.m. to 5 p.m. This position required Mr. Taylor to complete data entry and other filing projects under the supervision of the administrative office's secretary. Three months after his injury, Mr. Taylor underwent surgery on his shoulder and began receiving TTD benefits again.

In September 2016, after Mr. Taylor's doctors released him to light duty, TMFPD offered Mr. Taylor temporary, light-duty employment in the same administrative position he filled prior to surgery. Mr. Taylor refused, claiming that the offer did not comply with Nevada law, as it changed his work schedule and required him to perform tasks and duties that were "humiliating and unlawful." Because TMFPD extended a temporary, light-duty employment offer to Mr. Taylor, his TTD benefits were terminated.

Mr. Taylor administratively appealed the decision to terminate his TTD benefits. The hearing officer upheld termination of benefits, finding that TMFPD made a valid offer of temporary, light-duty employment, which Mr. Taylor rejected. Mr. Taylor then petitioned the district court for judicial review, which was denied.

Pursuant to NRS 616C.475(8), an employer may offer temporary, light-duty employment to an injured employee in lieu of paying temporary total disability benefits to that employee. For a temporary, light-duty employment offer to be valid, NRS 616C.475(8) requires that the offered position be substantially similar to the employee's pre-injury position in location, hours, wages, and benefits.

The Court found that the temporary employment position was substantially similar as to location because it was located at an administrative office that was six miles away from Mr. Taylor's pre-injury employment, but closer to his residence. Although there was a change in location, the new employment location was substantially similar to Mr. Taylor's previous work location in proximity and distance to his home.

Moreover, the temporary employment position was substantially similar as to the hours because Mr. Taylor's pre-injury schedule required him to work 48 hours on and 96 hours off each work week. Conversely, the light-duty job required him to work 40 hours per week, which required fewer hours, but paid him the same amount. Although the temporary light-duty job schedule was not identical to his pre-injury schedule, it did not require him to work unusual hours or an atypical timetable.

Additionally, the Court found that the temporary employment position was substantially similar as to wages because the gross wage that Mr. Taylor would have received if he had accepted the temporary, light-duty job offer was an average of his past 12-week wage history and amounted to $10,115 per month. Mr. Taylor argued that the light-duty employment offer was invalid because it did not include overtime wages or holiday compensatory time; however, the record showed that the 12-week period used to calculate the offered wage included two holidays, as well as significant amount of overtime pay, 189 hours to be exact. Because holiday time and overtime pay were included, Mr. Taylor was receiving substantially similar benefits.

The Nevada Supreme Court found that the temporary light-duty employment offer by TMFPD was reasonable pursuant to NRS 616C.475(8) because it was substantially similar in terms of location, hours, wages and benefits to his pre-injury employment. "The mere fact that an employee feels that a position is beneath him or her does not make the offer unreasonable or invalid." The Court affirmed the district court's decision to deny Mr. Taylor's petition for judicial review. *Taylor v. Truckee Meadows Fire Protection District*, 137 Nev. Adv. Op. 1 (Feb. 4, 2021).

Privacy Interests

Nevada Supreme Court Establishes Burden-Shifting Test When Disclosure Pursuant to the Nevada Public Records Act Implicates Individual Privacy Interests

Under the Nevada Public Records Act (NPRA), government-generated records are presumptively open to public inspection. *Reno Newspapers, Inc. v. Gibbons*, 127 Nev. 873, 880 (2011). This presumption may be rebutted either by an explicit statutory provision making a particular type of record confidential, or, under *Gibbons*, by a "broad balancing of the interests involved," where the government must prove that "its interest in nondisclosure clearly outweighs the public's interest in access." In 2018, in *Clark County School District v. Las Vegas Review-Journal*, the Nevada Supreme Court adopted a different burden-shifting test for nontrivial privacy claims in which any such privacy interest is weighted against the requester's demonstration of a significant public interest in disclosure. 134 Nev. 700, 708 (2018).

Plaintiff Las Vegas Review-Journal (Review-Journal), was investigating how Defendant Las Vegas Metropolitan Police Department (Metro) handled sex-trafficking cases. To that end, the Review-Journal submitted an NPRA request for all of Metro's sex-trafficking case files, solicitation and trespass arrest reports, and officers' names, badge numbers, and unit assignments from 2014 through 2016. Metro refused to comply with the request of disclosure of unit assignments. The Review-Journal petitioned the district court for a writ of mandamus, directing Metro to provide the requested records in their entirety. Metro objected, arguing that disclosure of the information would put officer-safety at issue and would potentially reveal the identities of undercover officers. The district court ordered Metro to disclose patrol officer unit assignments from 2014 to 2016 and Metro appealed to the Nevada Supreme Court.

On appeal, Metro argued that, under *Clark County*, the district court never recognized that Metro's unit assignments implicate a nontrivial privacy interest. In response, the Review-Journal argued that the burden-shifting test established in *Clark County* was only applicable to investigative reports. The Nevada Supreme Court disagreed with Review-Journal that the burden-shifting test should be limited to investigative reports. It reasoned that the test was grounded in Nevada's established protection of personal privacy interests, and these personal privacy interests may arise in various contexts. When a claim involves a personal privacy interest, the Clark County burden-shifting balancing test should apply. Conversely, *Gibbons* applies to claims against disclosure that are unrelated to personal privacy.

The Court defined a nontrivial privacy interest to be an interest that is more than de minimus but is not required to be substantial. Additionally, the Court emphasized that the government should not be forced to wait for a serious harm from an unwarranted intrusion of personal privacy to occur in order to justify nondisclosure. Upon analysis of the facts, the Court found that law enforcement officers in particular have a privacy interest in maintaining their anonymity and the confidentiality of their work assignments where disclosure poses a risk of harassment, endangerment, or similar harm. The Court found that Metro met the burden of showing a nontrivial privacy interest. The Court remanded the case back to the district court to consider the second part of the burden-shifting test, that is, whether the information sought is likely to advance a significant public interest. *Las Vegas Metropolitan Police Department v. Las Vegas Review-Journal*, 136 Nev. Adv. Op. 86 (Dec. 31, 2020).

Product Liability/Negligence

Nevada Supreme Court Holds TEVA Parenteral Medicines, Inc. Could Have Sold Its Generic Drug Propofol in 20mL Vials Without Violating Federal Law

The Nevada Supreme Court ruled that TEVA Parenteral Medicines, Inc. (TEVA) could have sold its generic drug "propofol" in 20mL vials rather than 50mL vials without violating federal law. This writ of mandamus arose from a lawsuit brought against generic drug manufacturer TEVA for selling single-patient 50 mL vials of propofol to ambulatory surgical centers despite an allegedly foreseeable risk that the centers would use them on multiple patients.

TEVA manufactured and sold the generic drug propofol, which was used as an anesthetic in both outpatient and inpatient procedures. The drug was approved by the Food and Drug Administration (FDA) in 1989. In this, the FDA granted TEVA permission to manufacture and distribute generic propofol in three vial sizes: 20, 50, and 100mL. TEVA sold propofol to non-party, now deceased Dr. Depak Desai, for use at his endoscopy centers in Las Vegas, Nevada. Despite clear warning labels, Dr. Desai used the 50mL single-patient vials on more than one patient. The original plaintiffs in the lawsuit were 800 patients who had been treated by Dr. Desai from 2004 through 2008. The plaintiffs all had to get tested for Hepatitis B, Hepatitis C, and HIV, after it was discovered that Dr. Desai was re-using the 50mL single-patient vials. Plaintiffs sued TEVA for strict products liability, breach of implied warranty of fitness for a particular purpose, negligence and violation of the Nevada Deceptive Trade Practices Act. In their Complaint, Plaintiffs asserted that a 20mL dose of propofol was commonly used to induce anesthesia in a patient, making the larger 50mL dose vial more likely to be misused for multi-dosing at an ambulatory surgical center.

TEVA filed a motion to dismiss alleging that under *PLIVA, Inc. v. Mensing*, 564 U.S. 604 (2011) and *Mutual Pharmaceutical Co. v. Bartlett*, 570 U.S. 472 (2013), Plaintiffs' state claims must be dismissed because they conflict with federal law, specifically the Hatch-Waxman Act. The district court denied TEVA's motion to dismiss, holding that Plaintiffs' claims were not preempted by federal law. On appeal, the Nevada Supreme Court had to decide whether Plaintiffs' claims were preempted by the Hatch-Waxman Act.

The Supremacy Clause of the United States Constitution provides that federal law supersedes, or preempts, conflicting state law. Preemption can be express if expressly stated in statute that the federal law preempts state law, or implied if federal law dominates a particular legislative field (field preemption), or actually conflicts with state law (conflict preemption). TEVA claimed conflict preemption was applicable because the Hatch-Waxman Act imposed duties on it that conflict with the duties imposed under state tort law. In making its argument, TEVA relied on *Mensing and Bartlett*. In *Mensing*, the United States Supreme Court held that the Hatch-Waxman Act was created to establish an abbreviated process for FDA approval of generic versions of brand name drugs by imposing a duty of "sameness" on the generic drug manufacturers. This duty required manufactures to demonstrate that their generic drugs are identical to the brand-name drug in active ingredients, safety, efficacy, and warning label. By proving this sameness, manufacturers can forego the lengthy and costly testing required for brand-name drugs. Knowing this duty of sameness, the U.S. Supreme Court found in both *Mensing* and *Bartlett*, it was impossible for Defendants to abide by the state tort law duty to change or update the label while at the same time abiding by the federal duty to keep the label identically the same to the brand-name drug.

The Nevada Supreme Court read *Mensing* and *Bartlett* together and held that the Hatch-Waxman Act imposed a duty of sameness on generic drug manufacturers that requires the labels and design of generic drugs to be the same as the corresponding brand-name drug. On appeal, Plaintiffs conceded that the strict products liability and breach of implied warranty claims are essentially failure to warn claims and thus would be preempted under *Mensing* and *Bartlett*. However, Plaintiffs claimed that the causes of action for negligence and violation of Nevada's Deceptive Trade Practices Act survived because they were not premised on the labeling or design of the drug. The Nevada Supreme Court found that the violation of Nevada's Deceptive Trade Practices Act claim was also preempted by federal law because Plaintiffs did not identify in their Complaint any representations made by TEVA other than those contained in the FDA-approved labeling. Moreover, under *Mensing* and *Bartlett*, TEVA could not have rectified any alleged misrepresentation without violating federal law because it was required to adhere to the brand-name drug's labeling.

As for the negligence claim, with respect to Plaintiffs' claim that TEVA had a duty to not sell the 50mL vials, the Nevada Supreme Court concluded that this cause of action was not preempted by federal law, as TEVA did not demonstrate that it would be impossible to comply with state law without violating federal law. The Court found that TEVA could have stopped selling the 50mL vials and only sell the 20mL vials. This course of action would not have been barred under *Bartlett*'s holding that, "an actor seeking to satisfy both his federal and state law obligations is not required to cease acting *altogether* in order to avoid liability." 570 U.S. at 488. Here, TEVA would not have been required to stop selling the drug altogether. Additionally, Plaintiffs were not asking TEVA to alter the size of the vial and the Court held that even if Plaintiffs had asked this, TEVA had already obtained approval from the FDA to market a smaller 20mL vial size of propofol. Thus, TEVA could have satisfied the state law by selling only the smaller 20mL vials of propofol without violating the federal duty of sameness under the Hatch-Waxman Act. Accordingly, TEVA's motion to dismiss was granted as to the strict products liability, breach of implied warranty and violation of Nevada's Deceptive Trade Practices Act, but denied as to Plaintiffs' negligence claim. See *TEVA Parenteral Medicines Inc. et al. v. Eighth Jud. Dist. Court et al.*, 137 Nev. Adv. Op. 6 (Mar. 04, 2021).

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NEVADA Legal Update

COMMENTS

Eighth Judicial District Court Administrative Order 21-03 Contains COVID-19 Resolutions

After an initial reopening of businesses in 2020, on November 11, 2020, Governor Sisolak announced an alarming increase in new COVID-19 cases in Nevada. The Governor requested all individuals stay in as much as possible and to wear face coverings at all times. This announcement prompted the Eighth Judicial District Court to restrict appearances to alternative-means only through January 11, 2021. This order was then extended through February 15, 2021.

Administrative Order 21-03, filed on March 12, 2021, continues the District Court's responses to the COVID-19 pandemic. Jury trials have commenced as of February 15, 2021, and in-person depositions began going forward as of March 15, 2021, so long as social distancing protocols are observed. All discovery hearings in both the civil and domestic case types continue to be conducted by alternative means. Appearances by alternative means are still required by all lawyers and litigants, in all case types with the exception of bench and jury trials and in-custody defendants appearing in the Lower-Level Arraignment Courtroom. For trials, District Court Judges should, to the extent possible, accommodate requests to appear by alternative means for any attorney, party or witness who is considered a vulnerable person under Governor's directive. Bench trials, including the Short Trial Program, will proceed, but due to overtime restraints, short trials must conclude by 5:00 p.m. The District Court's COVID-19 Jury Trial Plan for safely resuming trials will remain in effect. Similarly, pursuant to Fourth Amended Temporary General Order 2020-03, jury trials in the U.S. District Court for the District of Nevada are to resume, subject to the presiding judge's discretion, beginning on March 8, 2021.

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