



Pacific Law Journal Review of Selected Nevada Legislative

Volume 1989 | Issue 1

Article 22

1-1-1989

Civil Procedure; foreign corporations

The University of the Pacific, McGeorge School of Law

Follow this and additional works at: <https://scholarlycommons.pacific.edu/nlr>



Part of the [Legislation Commons](#)

Recommended Citation

The University of the Pacific, McGeorge School of Law, *Civil Procedure; foreign corporations*, 1989 U. PAC. L. REV. (2019).

Available at: <https://scholarlycommons.pacific.edu/nlr/vol1989/iss1/22>

This Legislative Review is brought to you for free and open access by the Journals and Law Reviews at Scholarly Commons. It has been accepted for inclusion in Pacific Law Journal Review of Selected Nevada Legislative by an authorized editor of Scholarly Commons. For more information, please contact mgibney@pacific.edu.

Civil Procedure; foreign corporations

NEV. REV. STAT. § 80.210 (amended).
AB 47 (Porter); 1989 STAT. Ch. 15

Existing law provides that a foreign corporation¹ not qualified to do business² in Nevada cannot maintain an action in any state court.³ Chapter 15 allows an unqualified foreign corporation to bring an action if the relief sought⁴ is an extraordinary remedy.⁵ However, the action must be dismissed⁶ if the corporation does not qualify to do business in Nevada within 45 days after the action is commenced.⁷

JMM

-
1. See NEV. REV. STAT. § 80.010 1 (1987) (definition of a foreign corporation).
 2. See *id.* § 80.010 (1987) (requirements for doing business in Nevada). See also *In re Hilton Hotel*, 101 Nev. 489, 492-493, 706 P.2d 137, 139 (1985) (to qualify to do business in Nevada, a corporation must conduct a substantial part of its ordinary business in the state). One contract or an isolated business act by the corporation is not sufficient. *Id.*
 3. NEV. REV. STAT. § 80.210 1 (1987) (amended by 1989 Nev. Stat. ch. 15, sec. 1, at ___) (if a foreign corporation fails to meet state requirements, it cannot commence, maintain or defend any action).
 4. See 1989 Nev. Stat. ch. 15 sec. 1, at ___ (amending NEV. REV. STAT. § 80.210) (the extraordinary remedy may be all or only part of the relief sought).
 5. *Id.* (the extraordinary remedy must be listed in Nevada Revised Statutes chapter 31).
 6. See *id.* (a dismissal without prejudice must be within 45 days after the action is commenced and without prejudice).
 7. *Id.* *Atlantic Commercial Dev. Corp. v. Boyles*, 103 Nev. Adv. Ops. No. 9 at ___, 732 P.2d 1360, ___ (February 24, 1987) (Nevada Revised Statute section 80.210 does not limit a corporation's rights beyond the plain language of the statute). A dismissal must be without prejudice if the corporation is in the process of complying with Nevada's statutes and the relevant statute of limitations has not run. *Id.*

Civil Procedure; garnishment of wages

NEV. REV. STAT. §§ 28.____, 31.____, 40.____ (new); §§ 21.112, 28.010, 31.249 (amended).
AB 247 (Committee on Judiciary); 1989 STAT. Ch. 338

Existing law allows a court to order garnishment through a third party who has possession or control of the defendant's personal property.¹ Chapter 338 provides that if the garnishee is the defen-