

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF PROPOSED
AMENDMENTS TO NRCP 16.2, 16.21,
16.3, FINANCIAL DISCLOSURE
FORMS AND TELEPHONIC AND
AUDIOVISUAL RULES REGARDING
FAMILY LAW PROCEEDINGS IN ALL
COURTS IN THE STATE OF NEVADA.

ADKT NO. 0476

FILED

AUG 01 2012

TRACEY K. LINDELLAN
CLERK OF SUPREME COURT
BY *[Signature]*
CLERK DEPUTY CLERK

ORDER AMENDING NRCP 16.2 AND ADDING NRCP 16.205

WHEREAS, on April 4, 2012, the Honorable Mark Gibbons petitioned this court requesting the amendment of certain Nevada Rules of Civil Procedure; and

WHEREAS, this court solicited comment from the bench, bar and public regarding the proposed amendments and held a public hearing on June 6, 2012; and

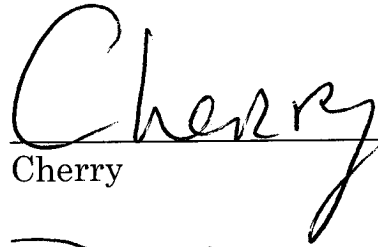
WHEREAS, this court has determined that the proposed rule amendments are warranted; accordingly


IT IS HEREBY ORDERED that Nevada Rule of Civil Procedure 16.2 shall be amended and shall read as set forth in Exhibit 1; and Nevada Rule of Civil Procedure 16.205 shall be added and shall read as set forth in Exhibit 2.

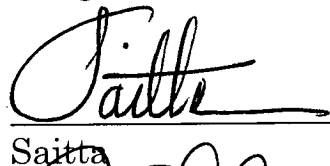
IT IS FURTHER ORDERED that the rule changes shall be effective 60 days from the date of this order. The clerk of this court shall cause a notice of entry of this order to be published in the official publication of the State Bar of Nevada. Publication of this order shall be accomplished by the clerk disseminating copies of this order to all subscribers of the advance sheets of the Nevada Reports and all persons and agencies listed in NRS 2.345, and to the executive director of the State

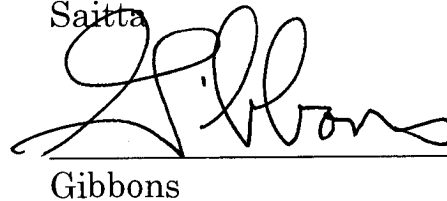
Bar of Nevada. The certificate of the clerk of this court as to the accomplishment of the above-described publication of notice of entry and dissemination of this order shall be conclusive evidence of the adoption and publication of the foregoing rules.


It is so ORDERED.

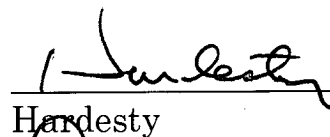
 _____, C.J.
Cherry

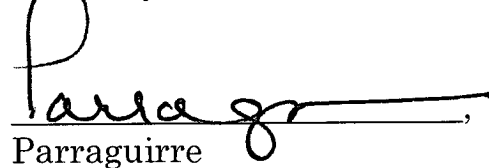
 _____, J.
Douglas

 _____, J.
Saitta

 _____, J.
Gibbons

 _____, J.
Pickering

 _____, J.
Hardesty

 _____, J.
Parraguirre

cc: Francis C. Flaherty, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
All District Judges
Clark County Bar Association
Washoe County Bar Association
Bonnie Bulla, Discovery Commissioner
Chris A. Beecroft, Jr., Discovery Commissioner
Wesley M. Ayres, Discovery Commissioner
Administrative Office of the Courts

**RULE 16.2. MANDATORY PREJUDGMENT DISCOVERY
REQUIREMENTS IN DOMESTIC RELATIONS MATTERS**

~~[(a) Required Disclosures.~~

~~(1) Financial Disclosure. In divorce, annulment or separate maintenance actions, a party must complete the court-approved Financial Disclosure Form. In custody matters between unmarried parties where paternity is established, a party must complete the cover sheet, the "personal income schedule" and the "business income/expense schedule" portions of the court-approved Financial Disclosure Form. A party must file and serve the completed Financial Disclosure Form no later than 45 days after service of the summons and complaint.~~

~~(A) Failure to File or Serve. If a party fails to timely file or serve the financial disclosure form required by this rule, the court shall impose an appropriate sanction upon the party or the party's attorney, or both, unless the party establishes by clear and convincing evidence that there is good cause for the failure. After notice and a hearing, the court shall impose appropriate sanctions in regard to the failure(s) as are just, including the following:~~

~~(i) An order treating the party's failure as a contempt of court;~~

~~(ii) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters in evidence; or~~

~~(iii) An order requiring the party failing to timely file or serve the disclosure to pay the opposing party's reasonable expenses, including attorney's fees and costs, caused by the failure.~~

~~(B) Failure to Include an Asset or Liability. If a party intentionally fails to include a material asset or liability in the party's financial disclosure form, the court, after notice and hearing, may impose an appropriate sanction, including but not limited to the following:~~

~~(i) An order awarding the omitted asset to the opposing party as his or her separate property or making another form of unequal division of community property;~~

~~(ii) An order treating the party's failure as a contempt of court; or~~

~~(iii) An order requiring the party failing to make the disclosure to pay the other party's or opposing party's reasonable expenses, including attorney's fees and costs, related to the omitted items.~~

~~(C) Duty to Supplement. A party must supplement or correct the party's financial disclosure form within 10 judicial days after the party acquires additional information or otherwise learns that in some material respect the party's disclosure is incomplete or incorrect. If the supplemental disclosure includes an asset, liability, income, or expense omitted from the party's prior disclosure(s), the supplemental disclosure shall include an explanation as to why the item was omitted.~~

~~(D) Obtaining Discovery. Any party may obtain discovery by one or more of the methods provided in Rules 26-36 within 30 days after service of the summons and complaint.~~

~~(2) Other Initial Disclosures. Except in proceedings exempted or to the extent otherwise stipulated in writing or directed by order, a party must, without awaiting a discovery request, provide to other parties:~~

~~(A) The name and, if known, the address and telephone number of each individual likely to have information discoverable under Rule 26(b), including for impeachment or rebuttal, identifying the subjects of the information; and~~

~~(B) A copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party and which are discoverable under Rule 26(b).~~

~~These disclosures must be made within 45 days after service of the summons and complaint. A party must make these initial disclosures based on the information then reasonably available to that party and is not excused from making the disclosures because the party has not fully completed an investigation of the case or because the party challenges the sufficiency of another party's disclosures or because another party has not made the required disclosures.~~

~~(3) Disclosure of Expert Testimony.~~

~~(A) In addition to the disclosures required by paragraphs (1) and (2), a party shall disclose to other parties the identity of any person who may be used at trial to present evidence under NRS 50.275, 50.285, and 50.305. These disclosures must be made within 90 days after the financial disclosures are required to be filed and served under Rule 16.2(a)(1) or, if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under paragraph (3)(B), within 60 days after the disclosure made by the other party. The parties shall supplement these disclosures when required under Rule 26(e)(1).~~

~~(B) Except as otherwise stipulated or directed by the court, a party who retains or specially employs a witness to provide expert testimony in the case, or whose duties as an employee of the party regularly involve giving expert testimony, shall deliver to the opposing party a written report prepared and signed by the witness, within 60 days before trial. The court, upon good cause shown or by stipulation of the parties, may extend the deadline for exchange of the experts' reports or relieve a party of the duty to prepare a written report in an appropriate case. The report shall contain a complete statement of all opinions to be expressed and the basis and reasons therefor; the data or other information considered by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions; the qualifications of the witness, including a list of all publications authored by the witness within the preceding 10 years; the compensation to be paid for the study and testimony; and a listing of any other cases in which the~~

witness has testified as an expert at trial or by deposition within the preceding 4 years.

~~(4) Pretrial Disclosures. In addition to the disclosures required by Rule 16.2(a)(1), (2) and (3), a party must provide to other parties the following information regarding the evidence that the party may present at trial, including impeachment and rebuttal evidence:~~

~~(A) The name and, if not previously provided, the address and telephone number of each witness, separately identifying those whom the party expects to present, those witnesses who have been subpoenaed for trial, and those whom the party may call if the need arises;~~

~~(B) The designation of those witnesses whose testimony is expected to be presented by means of a deposition and, if not taken stenographically, a transcript of the pertinent portions of the deposition testimony; and~~

~~(C) An appropriate identification of each document or other exhibit, including summaries of other evidence, separately identifying those which the party expects to offer and those which the party may offer if the need arises.~~

~~Unless otherwise directed by the court, these disclosures must be made at least 30 days before trial. Within 14 days thereafter, unless a different time is specified by the court, a party may serve a list disclosing: (i) any objections to the use under Rule 32(a) of a deposition designated by another party under subparagraph (B), and~~

~~(ii) any objection, together with the grounds therefor, that may be made to the admissibility of materials identified under subparagraph (C). Objections not so disclosed, other than objections under NRS 48.025 and 48.035, shall be deemed waived unless excused by the court for good cause shown.~~

~~(5) Form of Disclosures. Unless the court orders otherwise, all disclosures under Rules 16.2(a)(1) through (4) must be made in writing, signed, and served.~~

~~(b) Case Management Conference.~~

~~(1) Attendance at Case Management Conference. The district court shall conduct a case management conference with counsel and the parties within 60 days after the filing of the answer, or in any event, no later than 90 days after service of the summons and complaint. At the case management conference, the court, counsel, and the parties shall meet in person to confer and consider the nature and basis of the claims and defenses and the possibilities for a prompt settlement or resolution of the case, to make or arrange for the disclosures required by subdivision (a) of this rule and to develop a discovery plan pursuant to subdivision (b)(2). At least 5 days before the case management conference, counsel for the parties shall confer to resolve as many of the matters as possible which are to be addressed at the case management conference. The court, in its discretion and for good cause shown, may continue the time for the conference. Absent compelling and extraordinary circumstances, neither the court nor the parties may extend the time to a day more than 120 days after service of the summons and complaint.~~

~~(2) Planning for Discovery. At the case management conference, the court and parties shall develop a discovery plan which shall address:~~

~~(A) What changes should be made in the timing, form, or requirement for disclosures under Rule 16.2(a), including a statement as to when disclosures under Rule 16.2(a)(1) were made or will be made;~~

~~(B) The subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to or focused upon particular issues;~~

~~(C) What changes should be made in the limitations on discovery imposed under these rules and what other limitations should be imposed;~~

~~(D) Any other orders that should be entered by the court under Rule 26(e) or under Rule 16(b) and (e); and~~

~~(E) Any orders that should be entered setting the case for settlement conference and/or for trial.~~

~~(c) Case Management Order. Within 30 days after the case management conference, the court must enter an order that contains:~~

~~(1) A brief description of the nature of the action and each claim for relief or defense;~~

~~(2) A proposed plan and schedule of any additional discovery pursuant to subdivision (b)(2) of this rule;~~

~~(3) A written list of names exchanged pursuant to subdivision (a)(2)(A) of this rule;~~

~~(4) A written list of all documents provided at or as a result of the case conference pursuant to subdivision (a)(2)(B) of this rule;~~

~~(5) A deadline on which discovery will close;~~

~~(6) A deadline, not later than 90 days before the close of discovery, beyond which the parties shall be precluded from filing motions to amend the pleadings or to add parties unless by court order;~~

~~(7) A deadline by which the parties will make expert disclosures pursuant to subdivision (a)(3), with initial disclosures to be made not later than is specified in subdivision (a)(3) of this rule and rebuttal disclosures to be made not later than 60 days after the initial disclosure of experts;~~

~~(8) A deadline, not later than 30 days after the discovery cut-off date, by which dispositive motions must be filed.~~

~~(d) Discovery Disputes.~~

~~(1) Where available or unless otherwise ordered by the court, all discovery disputes (except those presented at the pretrial conference, early case management conference, or trial) must first be heard by the discovery commissioner.~~

~~(2) Following each discovery motion before a discovery commissioner, the commissioner must prepare and file a report with the commissioner's recommendations for a resolution of each unresolved dispute. The commissioner may direct counsel to prepare the report. The clerk of the court shall forthwith serve a copy of the report on all parties. Within 5 days after being served with a copy, any party may serve and file written objections to the recommendations. Written authorities may be filed with an objection, but are not mandatory.~~

~~(3) Upon receipt of a discovery commissioner's report and any objections thereto, the court may affirm, reverse, or modify the commissioner's ruling, set the matter for a hearing, or remand the matter to the commissioner for further action, if necessary.~~

~~(e) Failure or Refusal to Participate in Pretrial Discovery; Sanctions. If an attorney fails to reasonably comply with any provision of this rule, or if an attorney or a party fails to comply with an order entered pursuant to subsection (d) of this rule, the court, upon motion or upon its own initiative, shall impose upon a party or a party's attorney, or both, appropriate sanctions in regard to the failure(s) as are just, including the following:~~

~~(1) Any of the sanctions available pursuant to Rule 37(b)(2) and Rule 37(f);~~

~~(2) An order prohibiting the use of any witness, document or tangible thing which should have been disclosed, produced, exhibited, or exchanged pursuant to Rule 16.2(a).~~

~~(f) Proper Person Litigants. When a party is not represented by an attorney, the party must comply with this rule.~~

~~(g) Exemptions. Upon finding compelling circumstances, a court may exempt all or any portion of a case from application of this rule, in whole or in part.]~~

(a) Exemptions. Upon a finding of good cause, a court may exempt all or any portion of a case from application of this rule, in whole or in part, so long as the exemption is contained in an order of the court. Without limiting the foregoing, good cause may include any case where the parties have negligible assets and debts together with no minor children of the parties.

(b) Required Disclosures.

(1) General Financial Disclosure. In divorce, annulment, or separate maintenance actions, each party must complete and file the court-approved General Financial Disclosure Form.

(2) Detailed Financial Disclosure. However, if any party to the action believes that at least one of the three criteria listed in Rule 16.2(b)(2)(A) through (C) is true, and that party desires a more detailed financial disclosure, that party may so certify and file with the court the court-approved Detailed Financial Disclosure Form. Upon such certification and filing, which must be filed by the plaintiff at the time of the filing of the complaint or by the defendant at the time an answer would normally be due under Rule 12(a)(1), each party shall be directed to file the court-approved Detailed Financial Disclosure Form, and the case shall also be subject to the Complex Divorce Litigation Procedures set forth in Rule 16.2(c)(2). The

criteria to invoke the Detailed Financial Disclosure and Complex Divorce Litigation Procedures are:

(A) Either spouse's individual gross income, or the combined gross income of the parties, is more than \$250,000 per year; or

(B) Either spouse is self-employed or the owner, partner, managing shareholder, or managing member of a business; or

(C) The combined gross value of the assets owned by either party individually, or in combination, is more than \$1,000,000.

A party must file and serve the completed General Financial Disclosure Form no later than 30 days after service of an answer to the complaint, unless the parties are otherwise directed to file a Detailed Financial Disclosure Form, or the court orders otherwise upon the motion of a party or the stipulation of the parties.

If the parties are ordered to file a Detailed Financial Disclosure Form, each party must file and serve the completed Detailed Financial Disclosure Form no later than 45 days after service of the order directing the filing of the form, unless the court orders otherwise upon the motion of a party or the stipulation of the parties.

(i) Failure to File or Serve Financial Disclosure Form or to Produce Required Disclosures. If a party fails to timely file or serve the appropriate financial disclosure form required by this rule, or the required information and disclosures under this rule, the court may impose an appropriate sanction upon the party or the party's attorney, or both, if the

court finds, by a preponderance of the evidence, that there is not good cause for the failure. Sanctions may include:

1. An order treating the party's failure as a contempt of court, which may include the allowable monetary fine or jail time;
2. An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters in evidence; or
3. An order requiring the party failing to timely file and serve the disclosure to pay the opposing party's reasonable expenses, including attorney's fees and costs, caused by the failure.

(ii) Failure to Include an Asset or Liability. If a party intentionally fails to include a material asset or liability in the party's financial disclosure form, the court may impose an appropriate sanction upon the party or the party's attorney, or both, if the other party establishes, by a preponderance of the evidence, that there is not good cause for the failure. Sanctions may include:

1. An order awarding the omitted asset to the opposing party as his or her separate property or making another form of unequal division of community property;
2. An order treating the party's failure as a contempt of court, which may include the allowable monetary fine or jail time;
3. An order requiring the party failing to make the disclosure to pay the other party's or opposing party's reasonable expenses, including attorney's fees and costs, caused by the failure.

(iii) Continuing Duty to Supplement and Disclose. The duty described in this rule shall be a continuing duty, and each party shall make additional or amended disclosures whenever new or different information is discovered or revealed. Such additional or amended disclosures, including corrections to a party's financial disclosure form, shall be made not more than 14 days after the party acquires additional information or otherwise learns that in some material respect the party's disclosure is incomplete or incorrect. However, if a hearing, deposition, case management conference, or other calendared event is scheduled less than 14 days from the discovery date, then the update must be filed within 24 hours of the discovery of the new information.

(iv) Obtaining Discovery. Any party may obtain discovery by one or more of the methods provided in Rules 26 through 36 commencing 30 days after service of the summons and complaint.

(v) Additional Discovery. Nothing in the minimum requirements of this rule shall preclude relevant additional discovery on request by a party in a family law matter, in which case further discovery may proceed as set forth in the Nevada Rules of Civil Procedure.

(vi) Authorizations for Discovery. If a party believes it necessary to obtain that information required to be disclosed under Rule 16.2 from an individual or entity not a party to the action, the party seeking the information may present to the other party a form of authorization, permitting release, disclosure, and production of the information. If the party who was requested to sign the authorization refuses to sign the authorization without good cause, the matter may be raised to the court or the appropriate discovery commissioner, as the case may be. If the court or discovery

commissioner finds that the objecting party is without legitimate factual or legal objection to the signing of the authorization, a motion to compel shall be granted and the objecting party shall be made to pay reasonable attorney's fees and costs.

(vii) Objections as to Authenticity or Genuineness. Any objection to the authenticity or genuineness of documents is to be made in writing within 21 calendar days of the date the receiving party receives them. Absent such an objection, the documents shall be presumed authentic and genuine and shall not be excluded from evidence on these grounds.

(3) Other Initial Disclosures. A party must, without awaiting a discovery request, provide to the other spouse or registered domestic partner no later than the time required for the filing of their General Financial Disclosure Form or Detailed Financial Disclosure Form, the following information and documentation:

(A) Evidence Supporting Financial Disclosure Form. For each line item on the General Financial Disclosure Form or Detailed Financial Disclosure Form, the financial statement(s), document(s), receipt(s), or other information or evidence believed to support that answer. If no documentary evidence exists, state in writing the basis of the claim, estimate, or belief as to the number or answer provided on the form.

(B) Evidence of Property, Income, and Earnings as to Both Parties. The following must be provided to the other party:

(i) Bank and Investment Statements. Copies of all monthly or periodic bank, checking, savings, brokerage, investment, and

security account statements in which any party has or had an interest for the period commencing 6 months prior to the service of the summons and complaint through the date of the disclosure;

(ii) Credit Card and Debt Statements. Copies of credit card statements and debt statements for all parties for all months for the period commencing 6 months prior to the service of the summons and complaint through the date of the disclosure;

(iii) Real Property. Copies of all deeds, deeds of trust, purchase agreements, escrow documents, settlement sheets, and all other documents that disclose the ownership, legal description, purchase price, and encumbrances of all real property owned by any party;

(iv) Property Debts. Copies of all monthly or periodic statements and documents showing the balances owing on all mortgages, notes, liens, and encumbrances outstanding against all real property and personal property in which the party has or had an interest for the period commencing 6 months prior to the service of the summons and complaint through the date of the disclosure; or if no monthly or quarterly statements are available during this time period, the most recent statements or documents that disclose the information;

(v) Loan Application. Copies of all loan applications that a party has signed within 12 months prior to the service of the summons and complaint through the date of the disclosure;

(vi) Promissory Notes. Copies of all promissory notes under which a party either owes money or is entitled to receive money;

(vii) Deposits. Copies of all documents evidencing money held in escrow or by individuals or entities for the benefit of either party;

(viii) Receivables. Copies of all documents evidencing loans or monies due to either party from individuals or entities;

(ix) Retirement and Other Assets. Copies of all monthly or periodic statements and documents showing the value of all pension, retirement, stock option, and annuity balances, including individual retirement accounts, 401(k) accounts, and all other retirement and employee benefits and accounts in which any party has or had an interest for the period commencing 6 months prior to the service of the summons and complaint through the date of the disclosure; or if no monthly or quarterly statements are available during this time period, the most recent statements or documents that disclose the information;

(x) Insurance. Copies of all monthly or periodic statements and documents showing the cash surrender value, face value, and premiums charged for all life insurance policies in which any party has or had an interest for the period commencing 6 months prior to the service of the summons and complaint through the date of the disclosure; or if no monthly or quarterly statements are available during this time period, the most recent statements or documents that disclose the information;

(xi) Insurance Policies. Copies of all policy statements and evidence of costs of premiums for health and life insurance policies covering either party or any child of the relationship;

(xii) Values. Copies of all documents that may assist in identifying or valuing any item of real or personal property in which any

party has or had an interest for the period commencing 6 months prior to the service of the summons and complaint through the date of the disclosure, including any documents that the party may rely upon in placing a value on any item of real or personal property;

(xiii) Tax Returns. Copies of all personal and business tax returns, balance sheets, profit and loss statements, and all documents that may assist in identifying or valuing any business or business interest for the last 2 completed calendar or fiscal years with respect to any business or entity in which any party has or had an interest within the past 12 months;

(xiv) Proof of Income. Proof of income of the party from all sources, specifically including W-2 forms, 1099 forms, and K-1 forms, for the past 2 completed calendar years, and year-to-date income information (paycheck stubs, etc.) for the period commencing 6 months prior to the service of the summons and complaint through the date of the disclosure; and

(xv) Personalty. A list of all items of personal property with an individual value exceeding \$200, including, but not limited to, household furniture, furnishings, antiques, artwork, vehicles, jewelry, coins, stamp collections, and similar items in which any party has an interest, together with the party's estimate of current fair market value (not replacement value) for each item.

A party must make these initial disclosures based on the information then reasonably available to that party and is not excused from making the disclosures because the party has not fully completed an investigation of the case, or because the party challenges the sufficiency of another party's disclosures, or because another party has not made the required disclosures.

(4) Disclosure of Expert Witness and Testimony. A party shall disclose to other parties the identity of any person who may be used at trial to present evidence under NRS 50.275, 50.285, and 50.305. These disclosures must be made within 30 days after the initial financial disclosure form is required to be filed and served under Rule 16.2(b)(2) or, if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party, within 21 days after the disclosure made by the other party. The parties shall supplement these disclosures when required under Rule 26(e)(1).

(A) Except as otherwise stipulated or directed by the court, a party who retains or specially employs a witness to provide expert testimony in the case, or whose duties as an employee of the party regularly involve giving expert testimony, shall deliver to the opposing party a written report prepared and signed by the witness within 60 days of the close of discovery. The court, upon good cause shown or by stipulation of the parties, may extend the deadline for exchange of the expert reports or relieve a party of the duty to prepare a written report in an appropriate case. The report shall contain a complete statement of all opinions to be expressed and the basis and reasons therefor, the data or other information considered by the witness in forming the opinions, any exhibits to be used as a summary of or support for the opinions, and the qualifications of the witness.

(5) Pretrial Disclosures.

(A) **Non-Expert Witnesses.** The name and, if known, the address and telephone number of each individual who has information or knowledge relevant to the value of assets or debts or to the claims or defenses set forth in the pleadings, or who may be called as a witness at any stage of

the proceedings, including for impeachment or rebuttal, identifying the subjects of the information for which the individual may be called, shall be disclosed. Absent a court order or written stipulation of the parties, a party shall not be allowed to call a witness at trial who has not been disclosed at least 45 days before trial.

(B) Trial Exhibits. A copy of each document or other exhibit, including summaries of other evidence, which a party expects to offer as evidence at trial in any manner shall be disclosed to the other party. Unless otherwise directed by the court, these disclosures must be made at least 20 days before trial. Within 5 days of trial, unless a different time is specified by the court, a party may serve any objection, together with the grounds therefor, that may be made to the admissibility of materials identified. Objections not so disclosed, other than objections under NRS 48.025 and 48.035, shall be deemed waived unless excused by the court for good cause shown.

(6) Form of Disclosures. Unless the court orders otherwise, all disclosures under this rule must be made in writing, signed, and served.

(c) Case Management Conference.

(1) Attendance at Case Management Conference. The district court shall conduct a case management conference with counsel and the parties within 90 days after the filing of the answer. The court, in its discretion, and for good cause shown, may continue the time for the case management conference. Absent compelling and extraordinary circumstances, neither the court nor the parties may extend the time to a day more than 120 days after filing of the answer to the complaint.

At the case management conference, the court, counsel, and the parties shall meet in person to confer and consider the nature and basis of the claims and defenses and the possibilities for a prompt settlement or resolution of the case, to make or arrange for the disclosures required under this rule and to develop a discovery plan, which may include changes in the timing of discovery requirements required in this rule, and any other orders that should be entered by the court under Rule 26(c) or under Rule 16(b) and (c), and any orders that should be entered setting the case for settlement conference and/or for trial.

(2) Complex Divorce Litigation Procedures. If the case qualifies for treatment as Complex Divorce Litigation as provided in Rule 16.2(b)(2)(A) through (C), then each party shall prepare a proposed Complex Divorce Litigation Plan that shall be filed and served on the other party and the court at least 10 days before the case management conference. The plan shall include any and all proposals concerning the time, manner, and place for needed discovery; proposed conferences and anticipated hearings with the court; and any other special arrangements focused on prompt settlement, trial, or resolution of the case. The court shall consider each party's proposed plan and issue the case management order, thereon.

(d) Case Management Order. Within 30 days after the case management conference, the court shall enter an order that contains:

- (1) A brief description of the nature of the action;
- (2) Any changes to the timelines of this rule as stipulated by the parties and/or ordered by the court;
- (3) A deadline on which discovery will close;

(4) A deadline beyond which the parties shall be precluded from filing motions to amend the pleadings or to add parties unless by court order;

(5) A deadline by which dispositive motions must be filed; and

(6) Any other orders the court deems necessary during the pendency of the action, including interim custody, child support, maintenance, and NRS 125.040 orders.

If the court orders one of the parties to prepare the foregoing case management order, that party shall submit the order to the court for signature within 10 days after the case management conference.

(e) Discovery Disputes.

(1) Where available or unless otherwise directed by the court, all discovery disputes made upon written motion must first be heard by the discovery commissioner.

(2) Following each discovery motion before the discovery commissioner, the commissioner must prepare and file a report with the commissioner's recommendations for a resolution of each unresolved dispute. The commissioner may direct counsel to prepare the report. The clerk of the court shall forthwith serve a copy of the report on all parties. Within 10 days after being served with a copy, any party may serve and file written objections to the recommendations. Written authorities may be filed with an objection, but are not mandatory.

(3) Upon receipt of the discovery commissioner's report and any objections thereto, the court may affirm, reverse, or modify the

commissioner's ruling, set the matter for a hearing, or remand the matter to the commissioner for further action, if necessary.

(f) Failure or Refusal to Participate in Pretrial Discovery; Sanctions. If a party or an attorney fails to comply with any provision of this rule, or if an attorney or a party fails to comply with an order entered pursuant to this rule, the court, upon motion or upon its own initiative, may impose upon a party or a party's attorney, or both, appropriate sanctions in regard to the failure(s) as are just, unless the party establishes good cause for the failure.

(g) Proper Person Litigants. When a party is not represented by an attorney, the party must comply with this rule.

**RULE 16.205. MANDATORY PREJUDGMENT DISCOVERY
REQUIREMENTS IN PATERNITY OR CUSTODY MATTERS**

(a) Exemptions. Upon a finding of good cause, a court may exempt all or any portion of a case from the application of this rule, in whole or in part.

(b) Required Disclosures.

(1) Financial Disclosure. In paternity matters, or custody matters between unmarried parties where paternity is established, a party must complete the cover sheet, the "personal income schedule," the "personal expense schedule," and the "business income/expense schedule" portions of the court-approved General Financial Disclosure Form. A party must file and serve the completed financial disclosure form no later than 30 days after service of an answer or response to the complaint/petition, unless the parties are otherwise required to file a Detailed Financial Disclosure Form, or the court orders otherwise upon the motion of a party or the stipulation of the parties. Upon motion, either party may request the court to order the filing by one or both parties of the Detailed Financial Disclosure Form, or portions thereof.

(2) Other Initial Disclosures. A party must, without awaiting a discovery request, provide to the other party no later than the time required for the filing of his/her General Financial Disclosure Form or Detailed Financial Disclosure Form, the following information and documentation:

(A) Tax Returns. Copies of all personal and business tax returns, balance sheets, profit and loss statements, and any

documents that may assist in identifying or valuing any business or business interest for the last 2 completed calendar or fiscal years with respect to any business or entity in which the party has or had an interest;

(B) Proof of Income. Proof of income of the party from all sources, specifically including W-2 forms, 1099 forms, and K-1 forms, for the last 2 completed calendar or fiscal years, and year-to-date income information (paycheck stubs, etc.) for the period commencing 6 months prior to service of the summons and complaint/petition through the date of disclosure;

(C) Insurance Policies. Copies of all policy statements and evidence of the costs of premiums for health and life insurance policies covering either party or any child of the relationship, as well as evidence of the cost to separately cover the child/children of the relationship;

(D) Non-Expert Witnesses. The name and, if known, the address and telephone number of each individual likely to have information discoverable under Rule 26(b), including for impeachment or rebuttal, identifying the subjects of the information, and a copy of, or a description by category and location of, all documents, data compilations, and tangible things that are in the possession, custody, or control of the party or non-expert witness and that are discoverable under Rule 26(b). A party must make these initial disclosures based on the information then reasonably available to that party and is not excused from making the disclosures because the party has not fully completed an investigation of the case, or because the party challenges

the sufficiency of another party's disclosures, or because another party has not made the required disclosures. Absent a court order or written stipulation of the parties, a party shall not be allowed to call a witness at the evidentiary hearing who has not been disclosed to the other party at least 45 days before trial; and

(E) Disclosure of Expert Witness and Testimony. A party shall disclose to other parties the identity of any person who may be used at the evidentiary hearing to present evidence under NRS 50.275, 50.285, and 50.305.

(i) These disclosures must be made within 90 days after the financial disclosures are required to be filed and served under Rule 16.205(b)(1) or, if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under Rule 16.205(b)(2), within 60 days after the disclosure made by the other party. The parties shall supplement these disclosures when required under Rule 26(e)(1).

(ii) Except as otherwise stipulated or directed by the court, a party who retains or specially employs a witness to provide expert testimony in the case, or whose duties as an employee of the party regularly involve giving expert testimony, shall deliver to the opposing party a written report prepared and signed by the witness within 60 days before the evidentiary hearing. The court, upon good cause shown or by stipulation of the parties, may extend the deadline for exchange of the expert reports or relieve a party of the duty to prepare a written report in an appropriate case. The report shall contain a complete statement of all opinions to be expressed and the

basis and reasons therefor; the data or other information considered by the witness in forming the opinions; any exhibits to be used as a summary of or support for the opinions; the qualifications of the witness, including a list of all publications authored by the witness within the preceding 10 years; the compensation to be paid for the study and testimony; and a listing of any other cases in which the witness has testified as an expert at the evidentiary hearing or by deposition within the preceding 4 years.

(3) Failure to File and Serve. If a party fails to timely file and serve the financial disclosure form required by this rule, the court may impose an appropriate sanction upon the party or the party's attorney, or both, if the court finds, by a preponderance of the evidence, that there is not good cause for the failure. Sanctions may include:

(A) An order treating the party's failure as a contempt of court;

(B) An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters in evidence; or

(C) An order requiring the party failing to timely file and serve the disclosure to pay the opposing party's reasonable expenses, including attorney's fees and costs, caused by the failure.

(4) Continuing Duty to Supplement and Disclose. A party must supplement or amend the party's General or Detailed Financial Disclosure Form within 21 days after the party acquires additional information or otherwise learns that in some material

respect the party's disclosure is incomplete or incorrect. If the supplemental disclosure includes an asset, liability, income, or expense omitted from the party's prior disclosure(s), the supplemental disclosure shall include an explanation as to why the item was omitted. The duty described herein shall be a continuing duty.

(5) Objections as to Authenticity or Genuineness. Any objection to the authenticity or genuineness of documents is to be made in writing within 21 days of the date the receiving party receives them. Absent such an objection, the documents shall be presumed to be authentic and genuine, and shall not be excluded from evidence on these grounds.

(6) Obtaining Discovery. Any party may obtain discovery by one or more of the methods provided in Rules 26 through 36 commencing 30 days after service of answer to the complaint.

(7) Form of Disclosures. Unless the court orders otherwise, all disclosures under this rule must be made in writing, signed, and served.

(8) Evidentiary Hearing Exhibits. A copy of each document or other exhibit, including summaries of other evidence, that a party expects to offer as evidence at the evidentiary hearing in any manner shall be disclosed to the other party. Unless otherwise directed by the court, these disclosures must be made at least 21 days before the evidentiary hearing. At least 5 judicial days before the evidentiary hearing, unless a different time is specified by the court, a party may serve any objection, together with the grounds therefor, with respect to

the admissibility of materials. Objections not so asserted, other than objections under NRS 48.025 and 48.035, shall be deemed waived unless excused by the court for good cause shown.

(c) Discovery Disputes.

(1) Where available or unless otherwise ordered by the court, all discovery disputes must first be heard by the discovery commissioner.

(2) Following each discovery dispute before the discovery commissioner, the commissioner must prepare and file a report with the commissioner's recommendations for a resolution of each dispute. The commissioner may direct counsel to prepare the report. The clerk of the court shall forthwith serve a copy of the report on all parties. Within 5 days after being served with a copy, any party may serve and file written objections to the recommendations. Written authorities may be filed with an objection, but are not mandatory.

(3) Upon receipt of the discovery commissioner's report and any objections thereto, the court may affirm, reverse, or modify the commissioner's ruling; set the matter for a hearing; or remand the matter to the commissioner for further action, if necessary.

(d) Failure or Refusal to Participate in Prehearing Discovery; Sanctions. If a party or attorney fails to comply with any provision of this rule, or if an attorney or a party fails to comply with an order entered, the court, upon motion or upon its own initiative, may impose upon a party or a party's attorney, or both, appropriate sanctions in regard to the failure(s) as are just, including the following:

(1) Any of the sanctions available pursuant to Rule 37(b)(2) and Rule 37(f); and

(2) An order prohibiting the use of any witness, document, or tangible thing that should have been disclosed, produced, exhibited, or exchanged pursuant to this rule.

(e) Proper Person Litigants. When a party is not represented by an attorney, the party must comply with this rule.

(f) Early Case Evaluation.

(1) Early Case Evaluation. The district court shall conduct an early case evaluation with counsel and the parties. The district court shall conduct the early case evaluation within 90 days after the filing of an answer or response to the complaint/petition, or, in any event, no later than 90 days after service of the summons and complaint/petition. At the early case evaluation, the court, counsel, and the parties shall meet in person to confer and consider the nature and basis of the claims and defenses and the possibilities for a prompt settlement or resolution of the case and to make or arrange for the disclosures required by this rule. At least 5 days before the early case evaluation, counsel for the parties shall confer to resolve as many of the matters as possible that are to be addressed at the early case evaluation. The court, in its discretion, and for good cause shown, may continue the time for the early case evaluation. Absent compelling and extraordinary circumstances, neither the court nor the parties may extend the time to a day more than 120 days after filing of the answer/response to the complaint/petition.

(2) Planning for Discovery. At the early case evaluation, the court and parties shall develop a discovery plan that shall address:

(A) What changes should be made in the timing, form, or requirement for disclosures under Rule 16.205(b), including a statement as to which disclosures under Rule 16.205(b)(1) were made or will be made;

(B) The subjects on which discovery may be needed, when discovery should be completed, and whether discovery should be conducted in phases or be limited to, or focused upon, particular issues; and

(C) What changes should be made in the limitations on discovery imposed under these rules and what other limitations should be imposed.

(3) Case Management. At the early case evaluation, the court may enter orders referring the parties to mediation, setting the case for settlement conference, and/or setting the case for an evidentiary hearing.