

1 **NRCPC 16.1 – Proposed**
2 **(Retain Nevada rule with edits)**

3 **Rule 16.1. Mandatory Pretrial Discovery Requirements.**

4 **(a) Required Disclosures.**

5 **(1) Initial Disclosure.**

6 **(A) In General.** Except as exempted by Rule 16.1(a)(1)(B) or as
7 otherwise stipulated or ordered by the court, a party must, without awaiting a
8 discovery request, provide to the other parties:

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

12 (ii) a copy—or a description by category and location—of all
13 documents, electronically stored information, and tangible things that the disclosing
14 party has in its possession, custody, or control and may use to support its claims or
15 defenses, including for impeachment or rebuttal, and, unless privileged or protected
16 from disclosure, any audio and/or visual record, report, or witness statement
17 concerning the incident that gives rise to the lawsuit;

18 (iii) when personal injury is in issue, the identity of the
19 relevant medical provider(s) so that the opposing party may prepare an appropriate
20 medical authorization(s) for signature to obtain medical records;

21 (iv) a computation of each category of damages claimed by
22 the disclosing party—who must make available for inspection and copying as under
23 Rule 34 the documents or other evidentiary material, unless privileged or protected
24 from disclosure, on which each computation is based, including materials bearing on

1 the nature and extent of injuries suffered; and

2 (v) for inspection and copying as under Rule 34, any
3 insurance agreement under which an insurance business may be liable to satisfy all
4 or part of a possible judgment in the action or to indemnify or reimburse for payments
5 made to satisfy the judgment and any disclaimer or limitation of coverage or
6 reservation of rights under any such insurance agreement.

7 (B) **Proceedings Exempt from Initial Disclosure.** The
8 following proceedings are exempt from initial disclosure:

9 (i) an action within the original, exclusive jurisdiction of
10 family courts, irrespective of whether the court actually has a separate family court
11 or division;

12 (ii) an action filed under Title 12 or 13 of the Nevada Revised
13 Statutes;

14 (iii) an appeal from a court of limited jurisdiction;

15 (iv) an action for review on an administrative record;

16 (v) a forfeiture action in rem arising from a statute;

17 (vi) a petition for habeas corpus or any other proceeding to
18 challenge a criminal conviction or sentence;

19 (vii) an action to enforce or quash an administrative
20 summons or subpoena;

21 (viii) a proceeding ancillary to a proceeding in another court;

22 (ix) an action to enforce an arbitration award; and

23 (x) any other action that is not brought against a specific
24 individual or entity.

1 **(C) Time for Initial Disclosures—In General.** A party must
2 make the initial disclosures at or within 14 days after the parties’_Rule 16.1(b)
3 conference unless a different time is set by stipulation or court order, or unless a
4 party objects during the conference that initial disclosures are not appropriate in this
5 action and states the objection in the Rule 16.1(c) case conference report. In ruling
6 on the objection, the court must determine what disclosure, if any, are to be made
7 and must set the time for disclosure.

8 **(D) Time for Initial Disclosures—For Parties Served or**
9 **Joined Later.** A party that is first served or otherwise joined after the Rule 16.1(b)
10 conference must make the initial disclosures within 30 days after being served or
11 joined, unless a different time is set by stipulation or court order.

12 **(E) Basis for Initial Disclosure; Unacceptable Excuses.** A
13 party must make its initial disclosures based on the information then reasonably
14 available to it. A party is not excused from making its disclosures because it has not
15 fully investigated the case or because it challenges the sufficiency of another party’s
16 disclosures or because another party has not made its disclosures.

17 **(2) Disclosure of Expert Testimony.**

18 **(A) In General.** In addition to the disclosures required by Rule
19 16.1(a)(1), a party must disclose to the other parties the identity of any witness it
20 may use at trial to present evidence under NRS 50.275, 50.285 and 50.305.

21 **(B) Witnesses Who Must Provide a Written Report.** Unless
22 otherwise stipulated or ordered by the court, this disclosure must be accompanied by
23 a written report—prepared and signed by the witness—if the witness is one retained
24 or specially employed to provide expert testimony in the case or one whose duties as

1 the party's employee regularly involve giving expert testimony. The report must
2 contain:

3 (i) a complete statement of all opinions the witness will
4 express and the basis and reasons for them;

5 (ii) the facts or data considered by the witness in forming
6 them;

7 (iii) any exhibits that will be used to summarize or support
8 them;

9 (iv) the witness's qualifications, including a list of all
10 publications authored in the previous 10 years;

11 (v) a list of all other cases in which, during the previous 4
12 years, the witness testified as an expert at trial or by deposition; and

13 (vi) a statement of the compensation to be paid for the study
14 and testimony in the case.

15 **(C) Witnesses Who Do Not Provide a Written Report.** Unless
16 otherwise stipulated or ordered by the court, if the witness is not required to provide
17 a written report, this disclosure must state:

18 (i) the subject matter on which the witness is expected to
19 present evidence under NRS 50.275, 50.285 and 50.305;

20 (ii) a summary of the facts and opinions to which the witness
21 is expected to testify;

22 (iii) the qualifications of that witness to present evidence
23 under NRS 50.275, 50.285 and 50.305, which may be satisfied by the production of a
24 resume or curriculum vitae; and

1 (iv) the compensation of the witness for providing testimony
2 at deposition and trial, which is satisfied by production of a fee schedule.

3 **(D) Treating Physicians.**

4 **(i) Status.** A treating physician who is retained or specially
5 employed to provide expert testimony in the case, or whose duties as the party's
6 employee regularly involve giving expert testimony on behalf of the party, must
7 provide a written report under Rule 16.1(a)(2)(B). Otherwise, a treating physician
8 may be deposed or called to testify without any requirement for a written report. A
9 treating physician is not required to submit an expert report under Rule 16.1(a)(2)(B)
10 merely because the physician's testimony may discuss ancillary treatment that is not
11 contained within his or her medical chart, as long as the content of such testimony
12 is properly disclosed as otherwise required under Rule 16.1(a)(2)(C)(i).

13 **(ii) Change in Status.** A treating physician will be deemed
14 a retained expert witness subject to the written report requirement of Rule
15 16.1(a)(2)(B) if the party is asking the treating physician to provide opinions outside
16 the course and scope of the treatment provided to the party. However, a treating
17 physician is not a retained expert merely because (1) the patient was referred to the
18 physician by an attorney for treatment; (2) the witness will opine about diagnosis,
19 prognosis, or causation of the patient's injuries; or (3) the witness reviews documents
20 outside his or her medical chart in the course of providing treatment or defending
21 that treatment.

22 **(iii) Disclosure.** The disclosure regarding a nonretained
23 treating physician must include the information identified in Rule 16.1(a)(2)(C), to
24 the extent practicable. In that regard, appropriate disclosure may include that the

1 witness will testify in accordance with his or her medical chart, even if some records
2 contained therein were prepared by another healthcare provider.

3 **(E) Time to Disclose Expert Testimony.** A party must make
4 these disclosures at the times and in the sequence that the court orders. Absent a
5 stipulation or a court order otherwise, the disclosures must be made:

6 (i) at least 90 days before the discovery cut-off date; or

7 (ii) if the evidence is intended solely to contradict or rebut
8 evidence on the same subject matter identified by another party under Rule
9 16.1(a)(2)(B), (C), or (D) within 30 days after the other party's disclosure. This later
10 disclosure deadline does not apply to any party's witness whose purpose is to
11 contradict a portion of another party's case in chief that should have been expected
12 and anticipated by the disclosing party, or to present any opinions outside of the
13 scope of another party's disclosure.

14 **(F) Supplementing the Disclosure.**

15 **(i) In General.** The parties must supplement these
16 disclosures when required under Rule 26(e).

17 **(ii) Non-Retained Experts.** A non-retained expert, who is
18 not identified at the time the expert disclosures are due, may be subsequently
19 disclosed in accordance with Rule 26(e). In general, the disclosing party must move
20 to reopen the discovery deadlines or otherwise seek leave of court in order to
21 supplementally disclose a non-retained expert. However, supplementation under
22 this subdivision may be made without first moving to reopen the expert disclosure
23 deadlines or otherwise seeking leave of court, if such disclosure is made

24 (a) in accordance with Rule 16.1(a)(2)(B),

1 (b) within a reasonable time after the non-retained
2 expert's opinions become known to the disclosing party, and

3 (c) not later than 21 days before the close of discovery.

4 **(3) Pretrial Disclosures.**

5 **(A) In General.** In addition to the disclosures required by Rule
6 16.1(a)(1) and (2), a party must provide to the other parties and promptly file the
7 following information about the evidence that it may present at trial, including
8 impeachment and rebuttal evidence:

9 (i) the name and, if not previously provided, the address and
10 telephone number of each witness—separately identifying those the party expects to
11 present, those witnesses who have been subpoenaed for trial, and those it may call if
12 the need arises;

13 (ii) the designation of those witnesses whose testimony the
14 party expects to present by deposition and, if not taken stenographically, a transcript
15 of the pertinent parts of the deposition; and

16 (iii) an identification of each document or other exhibit,
17 including summaries of other evidence—separately identifying those items the party
18 expects to offer and those it may offer if the need arises.

19 **(B) Time for Pretrial Disclosures; Objections.**

20 (i) Unless the court orders otherwise, these disclosures must
21 be made at least 30 days before trial.

22 (ii) Within 14 days after they are made, unless the court sets
23 a different time, a party may serve and promptly file a list of the following objections:

24 (a) any objections to the use under Rule 32(a) of a

1 deposition designated by another party under Rule 16.1(a)(3)(A)(ii); and

2 (b) any objection, together with the grounds for it, that
3 may be made to the admissibility of materials identified under Rule 16.1(a)(3)(A)(iii).

4 (iii) An objection not so made—except for one under NRS
5 48.025 and 48.035—is waived unless excused by the court for good cause.

6 (4) **Form of Disclosures.** Unless the court orders otherwise, all
7 disclosures under Rule 16.1(a) must be in writing, signed, and served.

8 (b) **Early Case Conference; Discovery Plan.** Except as otherwise stated
9 in this rule, all parties who have filed a pleading in the action must participate in an
10 early case conference.

11 (1) **Exceptions.** Parties are not required to participate in an early case
12 conference if:

13 (A) the case is exempt from the initial disclosure requirements of
14 Rule 16.1(a)(1);

15 (B) the case is subject to arbitration under Rule 3(A) of the Nevada
16 Arbitration Rules and an exemption from arbitration under Rule 5 has been
17 requested but not decided by the court or the commissioner appointed under Rule
18 2(c);

19 (C) the case is in the court annexed arbitration program;

20 (D) the case has been through arbitration and the parties have
21 requested a trial de novo under the Nevada Arbitration Rules;

22 (E) the case is in the short trial program; or

23 (F) the court has entered an order excusing compliance with this
24 requirement.

1 **(2) Timing.**

2 **(A) In General.** The early case conference must be held within
3 30 days after service of an answer by the first answering defendant. All parties who
4 have served initial pleadings must participate in the first case conference. If a new
5 party serves its initial pleading after the first case conference, a supplemental case
6 conference must be held within 30 days after service by any party of a written request
7 for a supplemental conference; otherwise, a supplemental case conference is not
8 required.

9 **(B) Continuances.** The parties may agree to continue the time
10 for the early case conference or a supplemental case conference for an additional
11 period of not more than 90 days. The court, in its discretion and for good cause
12 shown, may also continue the time for any case conference. Absent compelling and
13 extraordinary circumstances, neither the court nor the parties may extend the time
14 for the early case conference involving a particular defendant to a date more than
15 180 days after service of the first answer by that defendant.

16 **(3) Attendance.** A party may attend the case conference in person or
17 by using audio transmission equipment that permits all those appearing or
18 participating to hear and speak to each other, provided that all conversation of all
19 parties is audible to all persons participating. The court may order the parties or
20 attorneys to attend the conference in person.

21 **(4) Responsibilities.**

22 **(A) Scheduling.** Unless the parties agree or the court orders
23 otherwise, plaintiff is responsible for designating the time and place of each
24 conference.

1 **(B) Content.** At each conference, the parties must do the
2 following:

- 3 (i) consider the nature and basis of their claims and defenses;
- 4 (ii) disclose the names of each relevant medical provider to
5 the person or persons' whose injury is in issue and provide an appropriate signed
6 authorization for each provider, unless an authorization has been given under §
7 16.1(a)(1)(iii), above;
- 8 (iii) consider the possibilities for a prompt settlement or
9 resolution of the case;
- 10 (iv) make or arrange for the disclosures required by Rule
11 16.1(a)(1);
- 12 (v) discuss any issues about preserving discoverable
13 information; and
- 14 (vi) develop a proposed discovery plan.

15 **(C) Discovery Plan.** The discovery plan must state the parties'
16 views and proposals on:

- 17 (i) what changes should be made in the timing, form, or
18 requirement for disclosures under Rule 16.1(a), including a statement as to when
19 disclosures under Rule 16.1(a)(1) were made or will be made;
- 20 (ii) the subjects on which discovery may be needed, when
21 discovery should be completed, and whether discovery should be conducted in
22 phases or be limited to or focused on particular issues;

1 (iii) any issues about disclosure, discovery, or preservation
2 of electronically stored information, including the form or forms in which it should
3 be produced;

4 (iv) any issues about claims of privilege or of protection as
5 trial-preparation materials, including—if the parties agree on a procedure to
6 assert these claims after production—whether to ask the court to include their
7 agreement in an order;

8 (v) what changes should be made in the limitations on
9 discovery imposed under these rules and what other limitations should be imposed;

10 (vi) any other orders that should be entered by the court
11 under Rule 26(c) or under Rule 16(b) and (c); and

12 (vii) an estimated time for trial.

13 **(c) Case Conference Report.**

14 **(1) In General.**

15 **(A) Joint or Individual Report.** Within 30 days after each case
16 conference, the parties must file a joint case conference report or, if the parties are
17 unable to agree upon the contents of a joint report, each party must serve and file an
18 individual case conference report.

19 **(B) After Supplemental Case Conference.** After a
20 supplemental case conference, the parties must supplement, but need not repeat, the
21 contents of prior reports. Notwithstanding the filing of a supplemental case
22 conference report, deadlines set forth in an existing scheduling order remain in effect
23 unless the court or discovery commissioner modifies the discovery deadlines.

24 **(C) After Court-Annexed Arbitration.** Unless otherwise

1 ordered by the court or the discovery commissioner, parties to any case wherein a
2 timely trial de novo request has been filed subsequent to arbitration need not hold a
3 further in-person conference, but must file a joint case conference report pursuant to
4 subdivision (c) of this rule within 60 days from the date of the de novo filing, said
5 report to be prepared by the party requesting the trial de novo.

6 **(2) Content.** Whether the report is filed jointly or individually, it must
7 contain:

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

10 (B) A proposed plan and schedule of any additional discovery
11 pursuant to Rule 16.1(b)(2);

12 (C) A written list of names exchanged pursuant to Rule
13 16.1(a)(1)(A);

14 (D) A written list of all documents provided at or as a result of the
15 case conference pursuant to Rule 16.1(a)(1)(B);

16 (E) A calendar date on which discovery will close;

17 (F) A calendar date, not later than 90 days before the close of
18 discovery, beyond which the parties shall be precluded from filing motions to amend
19 the pleadings or to add parties unless by court order;

20 (G) A calendar date by which the parties will make expert
21 disclosures pursuant to Rule 16.1(a)(2), with initial disclosures to be made not later
22 than 90 days before the discovery cut-off date and rebuttal disclosures to be made
23 not later than 30 days after the initial disclosure of experts;

24 (H) A calendar date, not later than 30 days after the discovery cut-

1 off date, by which dispositive motions must be filed;

2 (I) An estimate of the time required for trial; and

3 (J) A statement as to whether or not a jury demand has been filed.

4
5 **(3) Objections.** Within 7 days after service of any case conference
6 report, any other party may file a response in which it objects to all or a part of the
7 report or adding any other matter which is necessary to properly reflect the
8 proceedings that occurred at the case conference.

9 **(d) Discovery Disputes.**

10 **(1) Automatic Referral to Discovery Commissioner.** Where
11 available or unless otherwise ordered by the court, all discovery disputes (except
12 those presented at the pretrial conference or trial) must first be heard by the
13 discovery commissioner.

14 **(2) Report and Recommendation.**

15 **(A) In General.** Following each discovery motion before a
16 discovery commissioner, the commissioner must prepare a report with the
17 commissioner's recommendations for a resolution of each unresolved dispute. The
18 commissioner may direct counsel to prepare the report. The commissioner must
19 cause the report to be filed with the court and a copy to be served on each party.

20 **(B) Objections.** Within 7 days after being served with a copy, any
21 party may serve and file written objections to the recommendations. Written
22 authorities may be filed with an objection, but are not mandatory; however, if written
23 authorities are filed, any other party may serve and file responding authorities
24 within 7 days.

1 **(3) Review.** Upon receipt of a discovery commissioner’s report, any
2 objections, and any responding authorities, the court may affirm, reverse, or modify
3 the commissioner’s ruling, set the matter for a hearing, or remand the matter to the
4 commissioner for further action, if necessary.

5 **(e) Failure or Refusal to Participate in Pretrial Discovery; Sanctions.**

6 **(1) Untimely Case Conference.** If the conference described in Rule
7 16.1(b) is not held within 180 days after service of an answer by a defendant, the case
8 may be dismissed as to that defendant upon motion or on the court’s own initiative,
9 without prejudice, unless there are compelling and extraordinary circumstances for
10 a continuance beyond this period. This provision does not apply to a defendant who
11 serves its answer after the first case conference, unless a party has served a written
12 request for a supplemental conference in accordance with NRCP 16.1(b)(2)(A).

13 **(2) Untimely Case Conference Report.** If the plaintiff does not file a
14 case conference report within 240 days after service of an answer by a defendant, the
15 case may be dismissed as to that defendant upon motion or on the court’s own
16 initiative, without prejudice. This provision does not apply to a defendant who serves
17 its answer after the first case conference, unless a party has served a written request
18 for a supplemental conference in accordance with NRCP 16.1(b)(2)(A).

19 **(3) Other Grounds for Sanctions.** If an attorney fails to reasonably
20 comply with any provision of this rule, or if an attorney or a party fails to comply
21 with an order entered pursuant to subsection (d) of this rule, the court, upon motion
22 or upon its own initiative, shall impose upon a party or a party’s attorney, or both,
23 appropriate sanctions in regard to the failure(s) as are just, including the following:

24 (A) any of the sanctions available pursuant to Rule 37(b)(1) and

1 Rule 37(f); or

2 (B) an order prohibiting the use of any witness, document or
3 tangible thing which should have been disclosed, produced, exhibited, or exchanged
4 pursuant to Rule 16.1(a).

5 **(f) Complex Litigation.** In a potentially difficult or protracted action that
6 may involve complex issues, multiple parties, difficult legal questions, or unusual
7 proof problems, the court may, upon motion and for good cause shown, waive any or
8 all of the requirements of this rule. If the court waives all the requirements of this
9 rule, it shall also order a conference pursuant to Rule 16 to be conducted by the court
10 or the discovery commissioner.

11 **(g) Self-Represented Litigants.** The requirements of this rule apply to any
12 self-represented party.

1 **NRCP 16.1 — Committee Notes**

2
3 Subdivision (a) is amended to conform to the style and language found in the
4 analogous federal rule, with two significant exceptions. The initial disclosure
5 requirement regarding witnesses in subdivision (a)(1)(A)(i) has not changed, and is
6 therefore broader than the current federal requirement. The requirement in
7 subdivision (a)(1)(A)(ii) partially adopts the federal language by requiring that a
8 party disclose materials that it may use to support its claims or defenses. However,
9 the disclosure requirement also includes any audio and/or visual record, report, or
10 witness statement concerning the incident that gives rise to the lawsuit. The initial
11 disclosure requirement of a “report” under this subdivision is to be liberally
12 interpreted to include, but not be limited to: incident reports; records; logs and
13 summaries; maintenance records; prior repair and inspection records and receipts;
14 sweep logs; and any written summaries of such documents. It is intended that
15 documents identified or produced pursuant to this subdivision include those that are
16 prepared or exist at or near the time of the subject incident. The reasonable time
17 required for production of such documents will depend on the facts and
18 circumstances of each case. If privilege is raised as a defense to disclosure, a privilege
19 log must be prepared and produced.

20 Disclosure of impeachment and rebuttal material remains part of each party’s
21 initial disclosure obligations—specifically, as to witnesses likely to have discoverable
22 information, and materials a party intends to use or intends to use if the need arises.
23 If a party believes that the initial disclosure of specific impeachment or rebuttal
24 material that it may use is not appropriate (e.g., a surveillance recording prepared

1 by the party's attorney or insurance company representative), then at the early case
2 conference it must inform opposing parties about the nature of that material, object
3 to its disclosure under subdivision (a)(1), and subsequently state that objection in the
4 case conference report. The court will thereafter determine the extent to which that
5 material must be disclosed. Otherwise, all impeachment and rebuttal information
6 that a party may use must be provided with that party's initial disclosures.

7 Determining whether a party may use specific material for impeachment or
8 rebuttal may not always be practicable at the time initial disclosures are due.
9 Sometimes, the intention to use a witness or document will not be formed until
10 additional information about an opposing party's claims or defenses is received
11 during the discovery process. Nevertheless, when a party realizes that it may use
12 that material (e.g., a document that may be used to question an opposing party
13 during a deposition, or to support a motion or opposition thereto), it must promptly
14 supplement its initial disclosures and provide the material to all other parties.

15 Subdivision (a)(1)(iii) is new. An "appropriate" authorization must comply
16 with the federal Health Insurance Portability and Accountability Act, commonly
17 referred to as HIPAA.

18 Subdivision (a)(1)(B) includes a list of case types that are exempt from the
19 initial disclosure requirements, most of which require no elaboration. Practitioners
20 are reminded that domestic matters are subject to the mandatory disclosure
21 requirements of NRCP 16.2 and NRCP 16.205. Probate proceedings are exempted
22 from these requirements as an initial matter; but under NRS 155.170 and 180, courts
23 remain free to apply these provisions as they deem appropriate.

24 Subdivision (a)(2) adopts the federal rule requirement that the report of a

1 retained expert witness disclose “the facts or data considered by the witness” in
2 forming his or her opinions. The prior language—“the data or other information
3 considered by the witness”—has been construed broadly by most federal courts to
4 include drafts of expert reports and virtually any communications between counsel
5 and the expert. The new language is intended to avoid that result.

6 Subdivision (a)(2)(C) requires the disclosure of more information than the
7 analogous federal provision. In addition, guidance concerning the disclosure of
8 treating physicians as nonretained testifying expert witnesses previously was
9 provided in commentary to this rule. Subdivision (a)(2)(C) essentially shifts those
10 provisions from commentary into subsections of this rule. As appropriate, these
11 provisions may be applied to other types of non-retained experts by analogy.

12 Subdivision (a)(2)(E) has been revised to include cases in which simultaneous
13 disclosure of expert testimony may not be appropriate. In such a case, if the parties
14 are unable to stipulate to the timing of such disclosures, either or both may seek a
15 court order to schedule the disclosures of each expert.

16 An initial expert may also serve as a rebuttal expert and offer rebuttal opinions
17 as long as those opinions are disclosed at the time of the rebuttal expert disclosure,
18 or as a required supplement in accordance with NRCP 26(e)(1).

19 A treating physician’s opinions need not be formed at the exact time of the
20 treatment, so long as the physician’s opinions are formed from the physician’s
21 medical chart and those medical records received by the physician from other health
22 care providers in the regular course of treatment, and the treating physician is
23 properly disclosed as a witness at the time of the initial non-retained expert
24 disclosure under NRCP 16.1(a)(2).

1 Unlike its federal counterpart, subdivision (a)(3) retains the requirement that
2 a party's pretrial disclosures identify those witnesses who have been subpoenaed for
3 trial.

4 Subdivision (b) is reorganized in the style of the federal rules. Subdivision
5 (b)(1) is new and it specifies the circumstances when a case conference is not
6 required. Subdivision (b)(2) contains new provisions addressing the timing of
7 supplemental case conferences. Subdivision (b)(3) makes clear that parties are not
8 required to attend a case conference in person, although the court can order
9 attendance. Subdivision (b)(4) includes the federal requirements that parties discuss
10 and address issues pertaining to the preservation of discoverable information,
11 including electronically stored information, and issues pertaining to privilege and
12 work-product claims (e.g., inadvertent disclosure).

13 The changes in subdivision (c) are stylistic.

14 Subdivision (d) is reorganized in the style of the federal rules. The rule also
15 makes clear that if an objecting party provides written authorities to the court, any
16 other party has the right to file responding authorities.

17 The changes to subdivision (e) are stylistic, and subdivision (g) has been
18 reworded for enhanced clarity.

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