

1 **NRCP 34 – Proposed**

2 **(Amended Only by Addition of Language in (b)(2)(B) to**
3 **conform to FRCP 34(b)(2)(B)) and to add a qualification to**
4 **34(b)(2)(E)(i) to ensure that documents are produced in a**
5 **form that may be reasonably correlated to the request for**
6 **productions.)**

7 **Rule 34. Producing Documents, Electronically Stored Information, and**
8 **Tangible Things, or Entering onto Land, For Inspection and Other**
9 **Purposes**

10 (a) **In General.** A party may serve on any other party a request within the
11 scope of Rule 26(b):

12 (1) to produce and permit the requesting party or its representative to
13 inspect, copy, test, or sample the following items in the responding party's
14 possession, custody, or control:

15 (A) any designated documents or electronically stored
16 information—including writings, drawings, graphs, charts, photographs, sound
17 recordings, images, and other data or data compilations—stored in any medium from
18 which information can be obtained either directly or, if necessary, after translation
19 by the responding party into a reasonably usable form; or

20 (B) any designated tangible things; or

21 (2) to permit entry onto designated land or other property possessed or
22 controlled by the responding party, so that the requesting party may inspect,
23 measure, survey, photograph, test, or sample the property or any designated object
24 or operation on it.

1 **(b) Procedure.**

2 **(1) Contents of the Request.** The request:

3 (A) must describe with reasonable particularity each item or
4 category of items to be inspected;

5 (B) must specify a reasonable time, place, and manner for the
6 inspection and for performing the related acts; and

7 (C) may specify the form or forms in which electronically stored
8 information is to be produced.

9 **(2) Responses and Objections.**

10 (A) **Time to Respond.** The party to whom the request is directed
11 must respond in writing within 30 days after being served. A shorter or longer time
12 may be stipulated under Rule 29 or be ordered by the court.

13 (B) **Responding to Each Item.** For each item or category, the
14 response must either state that inspection and related activities will be permitted as
15 requested or state the ground for objecting to the request, with specificity, including
16 the reasons. The responding party may state that it will produce copies of documents
17 or of electronically stored information instead of permitting inspection. The
18 production must then be completed no later than the time for inspection specified in
19 the request or another reasonable time specified in the response.

20 (C) **Objections.** An objection must state whether any responsive
21 materials are being withheld on the basis of that objection. An objection to part of a
22 request must specify the part and permit inspection of the rest.

23 (D) **Responding to Request for Production of Electronically**
24 **Stored Information.** The response may state an objection to a requested form for

1 producing electronically stored information. If the responding party objects to a
2 requested form—or if no form was specified in the request—the party must state the
3 form or forms it intends to use.

4 **(E) Producing the Documents or Electronically Stored**
5 **Information.** Unless otherwise stipulated or ordered by the court, these procedures
6 apply to producing documents or electronically stored information:

7 (i) a party must produce documents as they are kept in the
8 usual course of business unless that form of production would make it unreasonably
9 burdensome for the discovering party to correlate the documents being produced with
10 the categories in its request for production. In such a case the producing party must
11 specify the records in sufficient detail to permit the discovering party to locate the
12 documents that are responsive to the categories in the request for production.
13 Otherwise, the producing party must organize and label them to correspond to the
14 categories in the request;

15 (ii) if a request does not specify a form for producing
16 electronically stored information, a party must produce it in a form or forms in which
17 it is ordinarily maintained or in a reasonably usable form or forms; and

18 (iii) a party need not produce the same electronically stored
19 information in more than one form.

20 (c) **Nonparties.** As provided in Rule 45, a nonparty may be compelled to
21 produce documents, electronically stored information and tangible things or to
22 permit an inspection.

23 (d) **Expenses of Copying Documents and/or Producing Electronically**
24 **Stored Information.** Unless the court orders otherwise, the party requesting

1 production under this rule must pay the responding party the reasonable cost of
2 copying documents. If the responding party produces electronically stored
3 information by a media storage device, the requesting party must pay the reasonable
4 cost of the device.

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6 **ADVISORY COMMITTEE NOTE—2018 AMENDMENT**

7 Rule 34 is conformed to FRCP 34 with Nevada specific alterations in Rule
8 34(b)(2)(E)(i). Rule 34(d) is retained from the existing Nevada rule.