

EXHIBIT B
PROPOSED RULES REDLINED AGAINST EXISTING
NEVADA RULES OF CIVIL PROCEDURE

I. SCOPE OF RULES—~~ONE~~; FORM OF ACTION

~~RULE~~Rule 1. SCOPE OF RULESScope and Purpose

These rules govern the procedure in all civil actions and proceedings in the district courts ~~in all suits of a civil nature whether cognizable, except as cases at law or in equity, with the exceptions stated in Rule 81.~~ They ~~shall~~should be construed and administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.

~~RULE~~Rule 2. ONE FORM OF ACTIONOne Form of Action

There ~~shall be~~is one form of action ~~to be known as “the civil action.”~~

**II. ~~COMMENCEMENT OF~~COMMENCING AN ACTION; SERVICE OF
PROCESS, PLEADINGS, MOTIONS, AND ORDERS**

~~RULE~~Rule 3. COMMENCEMENT OF ACTIONCommencing an Action

A civil action is commenced by filing a complaint with the court.

~~RULE 4. PROCESS~~

[Since NRCP 4 is completely revised in proposed new NRCP 4.1 – NRCP 4.4, we have not included a redline deleting it.]

~~RULE 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS~~

Rule 5. Serving and Filing Pleadings and Other Papers

~~(a) Service: When Required.~~ Except as otherwise provided in

~~(1) In General.~~ Unless these rules, provide otherwise, each of the following papers must be served on every party:

~~(A) an order stating that service is required by its terms to be served, every;~~

~~(B) a pleading subsequent to filed after the original complaint, unless the court orders otherwise orders under Rule 5(c) because of there are numerous defendants, every;~~

~~(C) any paper relating to discovery required to be served upon a party, unless the court orders otherwise orders, every;~~

~~(D) a written motion other than, except one which that may be heard ex parte; and every~~

~~(E) a written notice, appearance, demand, or offer of judgment, designation of record on appeal, and or any similar paper shall be served upon each of the parties.~~

~~(2) If a Party Fails to Appear.~~ No service need be made is required on parties a party who is in default for failure failing to appear except. But a pleading that pleadings asserting asserts a new or additional claims claim for relief against them shall such a party must be served upon them in the manner provided for service of summons in on that party under Rule 4.

~~(b) Same: Service: How Made.~~

~~(1) Whenever under these rules service is required or permitted to be made upon~~ Serving an Attorney. If a party is represented by an attorney, the service shall under this rule must be made upon the attorney unless the court orders that service be made upon the party.

~~(2) Service in General.~~ A paper is served under this rule is made by:

~~(A) Delivering a copy to the attorney or the party by:~~

~~(i) (A) handing it to the attorney or to the party person;~~

~~(ii)(B) leaving it;~~

~~(i) at the attorney's or party's person's office with a clerk or other person in charge, or, if there is no one is in charge, leaving it in a conspicuous place in the office; or~~

~~(iii) if the person has no office or the office is closed or the person to be served has no office, leaving it, at the person's dwelling house or usual place of abode with some persons someone of suitable age and discretion residing who resides there;~~

~~(B) Mailing a copy to the attorney or the party at his or her last known address. Service by mail is complete on mailing; provided, however, a motion, answer or other document constituting the initial appearance of a party must also, if served by mail, be filed within the time allowed for service; and provided further, that after such initial appearance, service by mail be made only by mailing from a point within the State of Nevada.~~

~~(C) If the attorney or the party has no known address, _____~~

~~(C) mailing it to the person's last known address—in which event service is complete upon mailing;~~

~~(D) leaving a copy it with the court clerk of the court person has no known address;~~

~~(D) Delivering (E) submitting it to a copy by court's electronic means if the attorney or the party served has filing system for electronic service under NEFCR 9 or sending it by other electronic means that the person consented to in writing—in which events service by electronic means. Service by electronic means is complete on transmission provided, however, a motion, answer or other document constituting the initial appearance of a party must also, if served by electronic means, be filed within the time allowed for service. The served attorney's or party's~~

~~consent to service by electronic means shall be expressly stated and filed in writing with the clerk of the court and served on the other parties to the action. The written consent shall identify:~~

- ~~_____ (i) the persons upon whom service must be made;~~
- ~~_____ (ii) the appropriate address or location for such service, such as the electronic-mail address or facsimile number;~~
- ~~_____ (iii) the format to be used for attachments; and~~
- ~~_____ (iv) any other limits on the scope or duration of the consent.~~

~~An attorney's or party's consent shall remain effective until expressly revoked or until the representation of a party changes through entry, withdrawal, or substitution of counsel. An attorney or party who has consented to service by electronic means shall, within 10 days after any change of electronic-mail address or facsimile number, serve and file notice of the new electronic-mail address or facsimile number.~~

~~_____ (3) Service by electronic means under Rule 5(b)(2)(D) upon submission or sending, but is not effective if the serving party making service learns that the attempted service it did not reach the person to be served; or~~

~~_____ (F) delivering it by any other means that the person consented to in writing—in which event service is complete when the person making service delivers it to the agency designated to make delivery.~~

~~_____ (3) **Using Court Facilities.** If a court has established an electronic filing system under the NEFCR through which service may be effected, a party may use the court's transmission facilities to make service under Rule 5(b)(2)(E).~~

~~(4) **Proof of service.** Proof of service may be made by certificate of an attorney or of the attorney's employee, or by written admission, or by affidavit, acknowledgment, or other proof satisfactory to the court. Proof of service should accompany the filing or be filed in a reasonable time thereafter. Failure to make proof of service shalldoes not affect the validity of service.~~

(c) Same: Serving Numerous Defendants.

(1) In any General. If an action in which there are involves an unusually large number of defendants, the court, upon may, on motion or ofon its own initiative, may, order that service of the:

(A) defendants' pleadings of the and replies to them need not be served on other defendants and replies thereto need not be made as between the defendants and that;

(B) any cross-claim, counterclaim, or matter constituting an avoidance, or affirmative defense contained therein shall be deemed to be in those pleadings and replies to them will be treated as denied or avoided by all other parties; and that the

(C) filing of any such pleading and service thereof upon serving it on the plaintiff constitutes due notice of it the pleading to the all parties.

(2) Notifying Parties. A copy of every such order shall must be served upon on the parties in such manner and form as the court directs.

(d) Filing. All papers

(1) Required Filings. Any paper after the complaint that is required to be served upon a party shall must be filed with the court either before service or within no later than a reasonable time thereafter, except as otherwise provided in Rule 5(b), but, unless after service. But disclosures under Rule 16.1 and the following discovery requests and responses must not be filed until they are used in the proceeding or the court orders filing is ordered by the court on motion of a party or upon its own motion; depositions upon oral examination and, interrogatories, requests for production, documents or tangible things or to permit entry onto land, and requests for admission, and the answers and responses thereto, shall not be filed unless and until they are used in the proceedings. Originals of responses to requests for admissions or production and answers,

(2) Nonelectronic Filing. A paper not filed electronically is filed by delivering it:

(A) to interrogatories shall be served upon the party who made the request or propounded the interrogatories and that party shall make such originals available at the time of any pretrial hearing or at trial for use by any party; the clerk;
or

(e) Filing With the Court Defined. The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court, except that the (B) to a judge may permit the papers to be filed with the judge, in which event the judge shall who agrees to accept it for filing, and who must then note thereon the filing date on the paper and forthwith transmit them promptly send it to the office of the clerk.

(3) Electronic Filing, Signing, or Verification. A court may, by local rule permit, allow papers to be filed, signed, or verified by electronic means that are consistent with any technical standards, if any, that established by the Judicial Conference of the United States establishes NEFCR. A paper signed by electronic means in compliance with the local rule constitutes filed electronically is a written paper presented for the purpose purposes of applying these rules.

(4) Acceptance by the Clerk. The clerk shall must not refuse to accept for filing any paper presented for that purpose file a paper solely because it is not presented in the form prescribed by these rules or by a local rule or practice.

RULE 6. TIME

Rule 6. Computing and Extending Time; Time for Motion Papers

(a) Computation. In Computing Time. The following rules apply in computing any time period of time prescribed or allowed by specified in these rules, by their any local rules of any district rule or court, by order of court, or by in any applicable statute, that does not specify a method of computing time.

(1) Period Stated in Days or a Longer Unit. When the period is stated in days or a longer unit of time:

(A) exclude the day of the act, event, or default from which the designated period of time begins to run shall not be included. The that triggers the period:

(B) count every day, including intermediate Saturdays, Sundays, and legal holidays; and

(C) include the last day of the period so computed shall be included, unless it, but if the last day is a Saturday, a Sunday, or a nonjudicial day, in which event legal holiday, the period ~~then~~ continues to run until the end of the next day which that is not a Saturday, a Sunday, or a nonjudicial day, or legal holiday.

(2) Period Stated in Hours. When the period is stated in hours:

(A) begin counting immediately on the occurrence of the event that triggers the period:

(B) count every hour, including hours during intermediate Saturdays, Sundays, and legal holidays; and

(C) if the period would end on a Saturday, Sunday, or legal holiday, the period continues to run until the same time on the next day that is not a Saturday, Sunday, or legal holiday.

(3) Inaccessibility of the Clerk's Office. Unless the court orders otherwise, if the clerk's office is inaccessible:

(A) on the last day for filing under Rule 6(a)(1), then the time for filing is extended to the first accessible day that is not a Saturday, Sunday, or legal holiday; or

(B) during the last hour for filing under Rule 6(a)(2), then the time for filing is extended to the same time on the first accessible day that is not a Saturday, Sunday, or legal holiday.

(4) "Last Day" Defined. Unless a different time is set by a statute,

local rule, or court order, the last day ends:

(A) for electronic filing under the Nevada Electronic Filing and Conversion Rules, at 11:59 p.m. in the court's local time; and

(B) for filing by other means, when the act to clerk's office is scheduled to close.

(5) "Next Day" Defined. The "next day" is determined by continuing to count forward when the period is measured after an event and backward when measured before an event.

(6) "Legal Holiday" Defined. "Legal holiday" means any day set aside as a legal holiday by NRS 236.015.

(b) Extending Time.

(1) In General. When an act may or must be done is the filing of a paper in court, a day on which weather or other conditions have made the office of the clerk of the district court inaccessible, in which event the period runs until the end of the next day which is not one of the aforementioned days. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays, and nonjudicial days shall be excluded in the computation except for those proceedings filed under Titles 12 or 13 of the Nevada Revised Statutes.

(b) Enlargement. When by these rules or by a notice given thereunder or by order of court an act is required or allowed to be done at or within a specified time,;

(A) the parties, may obtain an extension of time by written stipulation of counsel filed in if approved by the action, may enlarge court, provided that the period stipulation is submitted to the court before the original time or its extension expires; or

(B) the court may, for good cause shown may at any, extend the time in its discretion;

(1) with or without motion or notice or order if the period enlarged court acts, or if a request therefor is made, before the expiration of the period

~~originally prescribed original time or as extended by a previous order, its extension expires; or~~

~~(2) upon on motion made after the expiration of the specified period permit the act to be done where the failure to act was the result time has expired if the party failed to act because of excusable neglect; but it may.~~

~~(2) Exceptions. A court must not extend the time for taking any action to act under Rules Rule 50(b), 50) and (c)(2), 52(b), 59(b), (d)), and (e)), and 60(b), except to and must not extend the extent and time after it has expired under the conditions stated in them. Rule 54(d)(2).~~

~~(c) Reserved.~~

~~(d) For Motions, Notices of Hearing, and Affidavits.~~

~~(1) In General. A written motion, other than one which may be heard ex parte, and notice of the hearing thereof shall must be served not later than 5 at least 21 days before the time specified for the hearing, unless a different period is fixed by with the following exceptions:~~

~~(A) when the motion may be heard ex parte;~~

~~(B) when these rules or the local rules provide otherwise; or by rule or~~

~~(C) when a court order of the court. Such an order which a party may, for good cause shown, be made on, apply for ex parte application. When a motion or opposition is supported by sets a different time.~~

~~(2) Supporting Affidavit. Any affidavit, the affidavit shall supporting a motion must be served with the motion or opposition. Except as Rule 59(c) provides otherwise, any opposing affidavit must be served at least 7 days before the hearing, unless the court permits service at another time.~~

~~(ed) Additional Time After Certain Kinds of Service by Mail or Electronic Means. Whenever a party has the right or is required to do some act or take some proceedings, When a party may or must act within a prescribed period~~

~~after the service of a notice or other paper, other than process, upon the party and the notice or paper is served upon the party by specified time after being served and service is made under Rule 5(b)(2)(C) (mail), (D) (leaving with the clerk), or by electronic(F) (other means, consented to), 3 days shall beare added to the prescribed after the period would otherwise expire under Rule 6(a).~~

III. PLEADINGS AND MOTIONS

~~RULE 7. PLEADINGS ALLOWED; FORM OF MOTIONS~~

Rule 7. Pleadings Allowed; Form of Motions and Other Papers

(a) **Pleadings.** ~~There shall be~~ Only these pleadings are allowed:

- ~~_____~~ (1) a complaint ~~and;~~
- ~~_____~~ (2) an answer; ~~a reply to a~~ complaint;
- ~~_____~~ (3) an answer to a counterclaim ~~denominated~~ designated as such; ~~an answer to a cross-claim, if the~~ a counterclaim;
- ~~_____~~ (4) an answer ~~contains~~ to a cross-claim; ~~a third-party complaint, if a person who was not an original party is summoned under the provisions of Rule 14; and a third-party answer, if~~ crossclaim;
- ~~_____~~ (5) a third-party complaint ~~is served. No other pleading shall be allowed, except that the;~~
- ~~_____~~ (6) an answer to a third-party complaint; and
- ~~_____~~ (7) ~~if the court may order~~ orders one, a reply to an answer or a third party answer.

(b) **Motions and Other Papers.**

(1) ~~An application to the~~ In General. ~~A request for a court for an order shall~~ must be made by motion which. ~~The motion must:~~

~~_____~~ (A) ~~be in writing unless made during a hearing or trial, shall be made in writing, shall;~~

~~(B) state with particularity the grounds therefor, for seeking the order; and shall set forth~~

~~(C) state the relief or order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing of the motion.~~

~~(2) Form. The rules applicable to governing captions, signing, and other matters of form of pleadings apply to all motions and other papers provided for by these rules.~~

~~(3) All motions shall be signed in accordance with Rule 11.~~

~~(e) Demurrers, Pleas, Etc., Abolished. Demurrers, pleas, and exceptions for insufficiency of a pleading shall not be used.~~

RULE Rule 7.1. DISCLOSURE STATEMENT Disclosure Statement

(a) Who Must File; Contents. ~~Any~~A nongovernmental party ~~to, except for a civil proceeding~~natural person, must file an original and one copy of a disclosure statement that:

(1) ~~Identifies~~identifies any parent ~~corporation~~entity and any publicly held ~~corporation~~entity owning 10% or more of its ~~the party's~~the party's stock; or other ownership interest; or

(2) ~~States~~states that there is no such ~~corporation~~entity.

(b) Time to File; Supplemental Filing. A party must:

(1) ~~File~~file the disclosure statement with its first appearance, pleading, petition, motion, response, or other request addressed to the court; and

(2) ~~Promptly~~promptly file a supplemental statement if any required information changes.

RULE Rule 8. GENERAL RULES OF PLEADING General Rules of Pleading

(a) ~~Claims~~ Claim for Relief. A pleading ~~which sets forth~~that states a claim for relief, whether an original claim, counterclaim, cross-claim, or third-party claim,

shall ~~must~~ contain ~~(1)~~;

~~(1) a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new jurisdictional support;~~

~~(2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (2);~~

~~(3) a demand for judgment for the relief the pleader seeks. Reliefsought, which may include relief in the alternative or of several different types may be demanded. Where a claimantof relief; and~~

~~(4) if the pleader seeks damages of more than \$15,000 in monetary damages, the demand shall be for relief must request damages "in excess of \$15,000" without further specification of the amount.~~

(b) Defenses; Form of Admissions and Denials.—

~~(1) In General. In responding to a pleading, a party must:~~

~~(A) (A party shall) state in short and plain terms the party's defenses to each claim asserted against it; and shall~~

~~(B) admit or deny the averments upon which the adverseallegations asserted against it by an opposing party relies. If,~~

~~(2) Denials—Responding to the Substance. A denial must fairly respond to the substance of the allegation.~~

~~(3) General and Specific Denials. A party that intends in good faith to deny all the allegations of a pleading—including the jurisdictional grounds—may do so by a general denial. A party is withoutthat does not intend to deny all the allegations must either specifically deny designated allegations or generally deny all except those specifically admitted.~~

~~(4) Denying Part of an Allegation. A party that intends in good faith to deny only part of an allegation must admit the part that is true and deny the rest.~~

~~(5) Lacking Knowledge or Information. A party that lacks~~

knowledge or information sufficient to form a belief as to about the truth of an averment, the party shall allegation must so state, and this the statement has the effect of a denial. Denials shall fairly meet the substance of the averments

(6) **Effect of Failing to Deny.** An allegation—other than one relating to the amount of damages—is admitted if a responsive pleading is required and the allegation is not denied. When a pleader intends in good faith to deny only a part or a qualification of an averment, the pleader shall specify so much of it as is true and material and shall deny only the remainder. Unless the pleader intends in good faith to controvert all the averments of the preceding pleading, the pleader may make denials as specific denials of designated averments or paragraphs, or may generally deny all the averments except such designated averments or paragraphs as the pleader expressly admits; but, when the pleader does so intend to controvert all its averments, including averments of the grounds upon which the court's jurisdiction depends, the pleader may do so by general denial subject to the obligations set forth in Rule 11. If a responsive pleading is not required, an allegation is considered denied or avoided.

(c) Affirmative Defenses.

(1) **In pleading General.** In responding to a preceding pleading, a party shall set forth must affirmatively state any avoidance or affirmative defense, including:

- (A) accord and satisfaction;
- (B) arbitration and award;
- (C) assumption of risk;
- (D) contributory negligence;
- (E) discharge in bankruptcy;
- (F) duress;
- (G) estoppel;
- (H) failure of consideration;

~~(I) fraud;~~
~~(J) illegality;~~
~~(K) injury by fellow servant;~~
~~(L) laches;~~
~~(M) license;~~
~~(N) payment;~~
~~(O) release;~~
~~(P) res judicata;~~
~~(Q) statute of frauds;~~
~~(R) statute of limitations; and~~
~~(S) waiver, and any other matter constituting an avoidance or affirmative defense. When a party has~~

~~(2) Mistaken Designation. If a party mistakenly designated designates a defense as a counterclaim, or a counterclaim as a defense, the court on terms must, if justice so requires, shall treat the pleading as if there had been a proper designation though it were correctly designated, and may impose terms for doing so.~~

~~(d) Effect of Failure to Deny. Averments in a pleading to which a responsive pleading is required, other than those as to the amount of damage, are admitted when not denied in the responsive pleading. Averments in a pleading to which no responsive pleading is required or permitted shall be taken as denied or avoided.~~

~~(e) Pleading to Be Concise and Direct; Consistency.~~

~~(d) Pleading to Be Concise and Direct; Alternative Statements; Inconsistency.~~

~~(1) In General. Each averment of a pleading shall allegation must be simple, concise, and direct. No technical forms of pleading or motions are form is required.~~

~~(2) Alternative Statements of a Claim or Defense. A party may set forth ~~out~~ two or more statements of a claim or defense ~~alternately~~alternatively or hypothetically, either in ~~one~~a single count or defense or in separate counts ~~or defenses.~~ When ~~two or more statements are made in the ones.~~ If a party makes ~~alternative~~ and one of them if made independently would be sufficient ~~statements,~~ the pleading is ~~not made insufficient by the insufficiency of one or more of the alternative statements.~~ sufficient if any one of them is sufficient.~~

~~(3) Inconsistent Claims or Defenses. A party may also state as many separate claims or defenses as the party it has, regardless of consistency and whether based on legal or on equitable grounds or on both. All statements shall be made subject to the obligations set forth in Rule 11.~~

~~(f) Construction of e) Construing Pleadings. All pleadings shall. Pleadings must be so construed so as to do substantial justice.~~

~~RULE~~Rule 9. PLEADING SPECIAL MATTERS~~Pleading Special Matters~~

~~(a) Capacity. It is not necessary or Authority to aver Sue; Legal Existence.~~

~~(1) In General. Except when required to show that the capacity of court has jurisdiction, a party pleading need not allege:~~

~~(A) a party's capacity to sue or be sued ~~or the;~~~~

~~(B) a party's authority of a party to sue or be sued in a representative capacity; or~~

~~(C) the legal existence of an organized association of persons that is made a party. ~~When a party desires to~~~~

~~(2) Raising Those Issues. To raise an issue as to the legal existence of any party or the capacity of any party to sue or be sued or the authority of a party to sue or be sued in a representative capacity, the party desiring to raise the issue shall of those issues, a party must do so by a specific negative avermentdenial, which~~

~~shall include such~~ must state any supporting particulars as facts that are peculiarly within the pleader's party's knowledge.

(b) ~~Fraud, or Mistake, Condition; Conditions of the Mind.~~ In all averments of alleging fraud or mistake, a party must state with particularity the circumstances constituting fraud or mistake ~~shall be stated with particularity.~~ Malice, intent, knowledge, and other ~~condition~~ conditions of a person's mind of a person may be ~~averred~~ alleged generally.

(c) **Conditions Precedent.** In pleading ~~the performance or occurrence of~~ conditions precedent, it is ~~sufficient~~ suffices to ~~aver~~ allege generally that all conditions precedent have occurred or been performed ~~or have occurred.~~ A denial of performance or occurrence shall be made specifically and. But when denying that a condition precedent has occurred or been performed, a party must do so with particularity.

(d) **Official Document or Act.** In pleading an official document or official act, it is ~~sufficient~~ suffices to ~~aver~~ allege that the document was legally issued or the act legally done ~~in compliance with law.~~

(e) **Judgment.** In pleading a judgment or decision of a domestic or foreign court, a judicial or quasi-judicial tribunal, or of a board or officer, it is ~~sufficient~~ suffices to ~~aver~~ plead the judgment or decision without setting forth matter showing jurisdiction to render it.

(f) **Time and Place.** ~~For the purpose of~~ An allegation of time or place is material when testing the sufficiency of a pleading, ~~averments of time and place are material and shall be considered like all other averments of material matter.~~

(g) **Special Damage.** ~~When items~~ Damages. If an item of special damage ~~are~~ is claimed, ~~they shall~~ it must be specifically stated.

~~RULE~~ Rule 10. FORM OF PLEADINGS ~~Form of Pleadings~~

(a) **Caption; Names of Parties.** Every pleading ~~shall contain~~ must have a caption ~~setting forth~~ with the court's name ~~of, the court and county, the~~ a title of the

~~action, the file, a case number, and a Rule 7(a) designation as in Rule 7(a). In. The caption of the complaint the title of the action shall include the names of must name all the parties, but in; the caption of other pleadings it is sufficient to state the name of, after naming the first party on each side with an appropriate indication of, may refer generally to other parties. A party whose name is not known may be designated by any name, and when the true name is discovered, the pleading may be amended accordingly.~~

(b) Paragraphs; Separate Statements. ~~All averments of claim~~ A party must state its claims or defense shall be made ~~defenses~~ in numbered paragraphs, the contents of each of which shall be limited as far as practicable to a statement of a single set of circumstances; and. A later pleading may refer by number to a paragraph may be referred to by number in all succeeding pleadings. Each in an earlier pleading. If doing so would promote clarity, each claim founded upon a separate transaction or occurrence— and each defense other than denials shall a denial— must be stated in a separate count or defense whenever a separation facilitates the clear presentation of the matters set forth.

(c) Adoption by Reference; Exhibits. ~~Statements~~ A statement in a pleading may be adopted by reference elsewhere in a different part of the same pleading or in another any other pleading or in any motion. A copy of any a written instrument which that is an exhibit to a pleading is a part thereof of the pleading for all purposes.

(d) Using a Fictitious Name to Identify a Defendant. If the name of a defendant is unknown to the pleader, the defendant may be designated by any name. When the defendant's true name is discovered, the pleader should promptly substitute the actual defendant for a fictitious party.

~~RULE 11. SIGNING OF PLEADINGS~~

Rule 11. Signing Pleadings, Motions, and Other Papers; Representations to the Court; Sanctions

(a) **Signature.** Every pleading, written motion, and other paper shall ~~must~~ be signed by at least one attorney of record in the attorney's individual name, ~~—or, by a party personally if the party is not represented by an attorney,~~ shall be signed by the party. ~~Each unrepresented. The paper shall~~ must state the signer's address, e-mail address, and telephone number, if any. ~~Except when otherwise specifically provided by. Unless a rule or statute, pleadings specifically states otherwise, a pleading need not be verified or accompanied by an affidavit. An~~ The court must strike an unsigned paper shall be stricken unless the omission of the signature is promptly corrected promptly after being called to the attorney's or party's attention of the attorney or party.

(b) **Representations to the Court.** By presenting to the court ~~(a pleading, written motion, or other paper—whether by signing, filing, submitting, or later advocating) a pleading, written motion, or other paper, an~~ it an attorney or unrepresented party ~~is certifying~~ certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, ~~—:~~

(1) it is not being presented for any improper purpose, such as to harass ~~or to~~ cause unnecessary delay, ~~or needless~~ needlessly increase ~~in the~~ cost of litigation;

(2) the claims, defenses, and other legal contentions ~~therein are~~ warranted by existing law or by a nonfrivolous argument for the ~~extension, modification, or reversal of~~ extending, modifying, or reversing existing law or the ~~establishment of~~ establishing new law;

(3) the ~~allegations and other~~ factual contentions have evidentiary support or, if specifically so identified, ~~are~~ will likely ~~to~~ have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information ~~or~~ belief.

(c) Sanctions.

~~(1) In General.~~ If, after notice and a reasonable opportunity to respond, the court determines that ~~subdivision-~~Rule 11(b) has been violated, the court may, subject to the ~~conditions stated below,~~ impose an appropriate sanction upon the ~~attorney~~any attorney, law firm~~firm,~~ or ~~parties~~party that have ~~violated subdivision (b) the rule or are~~is responsible for the violation. Absent exceptional circumstances, a law firm must be held jointly responsible for a violation committed by its partner, associate, or employee.

~~(1) How Initiated.~~

~~(A) By~~ 2) Motion, for Sanctions. A motion for sanctions under this rule ~~shall~~must be made separately from any other motions or requests ~~motion and shall~~must describe the specific conduct ~~alleged to violate subdivision (b). It shall~~that allegedly violates Rule 11(b). The motion ~~must be served as provided in under Rule 5, but shall~~it must not be filed with or be presented to the court unless, within 21 days after service of the motion (or such other period as the court may prescribe), if the challenged paper, claim, defense, contention, allegation, or denial is not withdrawn or appropriately corrected within 21 days after service or within another time the court sets. If warranted, the court may award to the party prevailing on the motion the reasonable expenses ~~and, including attorney's fees, incurred in~~for presenting or opposing the motion. ~~Absent exceptional circumstances, a law firm shall be held jointly responsible for violations committed by its partners, associates, and employees.~~

~~(B)~~ (3) On the Court's Initiative. On its own initiative, the court may enter an order describing the specific conduct that appears to violate subdivision (b) and directing an attorney, law firm, or party to show cause why ~~it~~conduct specifically described in the order ~~has not violated subdivision (b) with respect thereto.~~Rule 11(b).

~~(24) Nature of a Sanction; Limitations.~~ A sanction imposed for violation of ~~under~~ this rule shall ~~must~~ be limited to what ~~is sufficient~~ suffices to deter repetition of ~~such~~ the conduct or comparable conduct by others similarly situated. Subject to the limitations in subparagraphs (A) and (B), ~~the~~ The sanction may consist of, or include, ~~directives of a nonmonetary nature,~~ directives; an order to pay a penalty into court; or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of ~~some~~ part or all of the reasonable attorney's fees and other expenses ~~incurred as a direct result of~~ directly resulting from the violation.

~~(A)~~ (5) Limitations on Monetary ~~sanctions may not be awarded~~ Sanctions. The court must not impose a monetary sanction:

~~(A)~~ (A) against a represented party for a violation of subdivision violating Rule 11(b)(2); or

~~(B)~~ (B) Monetary sanctions may not be awarded on the court's initiative on its own, unless it issued the court issues its order to show cause order under Rule 11(c)(3) before a voluntary dismissal or settlement of the claims made by or against the party ~~which~~ that is, or whose attorneys are, to be sanctioned.

~~(3-6)~~ Requirements for an Order. ~~When~~ An order imposing sanctions, ~~the court shall~~ a sanction must describe the sanctioned conduct determined to constitute a violation of this rule and explain the basis for the sanction imposed.

(d) Applicability ~~Inapplicability~~ to Discovery. Subdivisions (a) through (e) of this This rule ~~does~~ does not apply to disclosures and discovery requests, responses, objections, and motions that are subject to the provisions of ~~under~~ Rules 16.1, 16.2, 16.205, and 26 through 37. Sanctions for refusal to make discovery are governed by Rules 26(g) and 37.

~~RULE 12. DEFENSES AND OBJECTIONS WHEN AND HOW~~

~~PRESENTED BY PLEADING OR MOTION MOTION FOR JUDGMENT
ON PLEADINGS~~

~~(a) When Presented.~~

Rule 12. Defenses and Objections: When and How Presented; Motion for
Judgment on the Pleadings; Consolidating Motions; Waiving Defenses;
Pretrial Hearing

(a) Time to Serve a Responsive Pleading.

(1) In General. Unless another time is specified by this rule or a statute, the time for serving a responsive pleading is as follows:

(A) A defendant shall must serve an answer:

(i) within 2021 days after being served with the summons and complaint, unless otherwise provided by statute when: or

(ii) if the defendant has timely waived service of process is made pursuant to under Rule 4(e)(3).1, within 60 days after the request for a waiver was sent, or within 90 days after the request for a waiver was sent to the defendant outside of the United States.

(2) (B) A party served with a pleading stating a cross-claim against that party shall must serve an answer thereto a counterclaim or crossclaim within 2021 days after being served. The plaintiff shall with the pleading that states the counterclaim or crossclaim.

(C) A party must serve a reply to a counterclaim in the an answer within 2021 days after service of the answer or, if a being served with an order to reply is ordered by the court, within 20 days after service of the order, unless the order otherwise directsspecifies a different time.

(3) The State of Nevada or any political subdivision thereof, Its Public Entities and any officer, employee, board or commission member of the State of Nevada or political subdivision Political Subdivisions, and any state legislator shall file Their Officers and Employees. Unless another time is

~~specified by Rule 12(a)(3) or a statute, the following parties must serve an answer or other responsive pleading to a complaint, counterclaim, or crossclaim within 45 days after their respective dates of service.~~

~~_____ (4) The on the party or service on the Attorney General, whichever date of service is later:~~

~~_____ (A) the State of Nevada and any public entity of the State of Nevada;~~

~~_____ (B) any county, city, town or other political subdivision of the State of Nevada and any public entity of such a political subdivision; and~~

~~_____ (C) in any action brought against a public officer or employee relating to his or her public duties or employment, any present or former public officer or employee of the State of Nevada; any public entity of the State of Nevada; any county, city, town or other political subdivision of the State of Nevada; or any public entity of such a political subdivision.~~

~~_____ (3) **Effect of a Motion.** Unless the court sets a different time, serving a motion permitted under this rule alters these periods of time as follows, unless a different time is fixed by order of the court:~~

~~(A) if the court denies the motion or postpones its disposition until the trial on the merits, a responsive pleading shall must be served within ~~10~~14 days after notice of the court's action; or~~

~~(B) if the court grants a motion for a more definite statement, a responsive pleading shall must be served within ~~10~~14 days after ~~service of the more definite statement~~ is served.~~

~~(b) **How Presented to Present Defenses.** Every defense, in law or fact, to a claim for relief in any pleading, whether a claim, counterclaim, cross-claim, or third-party claim, shall must be asserted in the responsive pleading thereto if one is required, ~~except that.~~ But a party may assert the following defenses may at the option of the pleader be made by motion:~~

- ~~_____ (1) lack of jurisdiction over the subject matter, jurisdiction;~~
- ~~_____ (2) lack of personal jurisdiction over the person,;~~
- ~~_____ (3) insufficiency insufficient process;~~
- ~~_____ (4) insufficient service of process, (4) insufficiency of service of process,;~~
- ~~_____ (5) failure to state a claim upon which relief can be granted,; and~~
- ~~_____ (6) failure to join a party under Rule 19.~~

~~A motion making asserting any of these defenses shall must be made before pleading if a further pleading is permitted. No defense or objection is waived by being joined with one or more other defenses or objections in a responsive pleading or motion. responsive pleading is allowed. If a pleading sets forthout a claim for relief to which the adverse party is that does not required to serve require a responsive pleading, the adversean opposing party may assert at the trial any defense in law or fact to that claim for relief. If, on a motion asserting the defense numbered (5) to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 56. No defense or objection is waived by joining it with one or more other defenses or objections in a responsive pleading or in a motion.~~

~~(c) **Motion for Judgment on the Pleadings.** After the pleadings are closed but within such time as early enough not to delay the trial, any a party may move for judgment on the pleadings.~~

~~(d) **Result of Presenting Matters Outside the Pleadings.** If, on a motion for judgment on the pleadings, under Rule 12(b)(5) or 12(c), matters outside the pleadings are presented to and not excluded by the court, the motion shall must be treated as one for summary judgment and disposed of as provided in under Rule 56,~~

~~and all. All parties shall~~ must be given a reasonable opportunity to present all the material ~~made that is~~ that is pertinent to such ~~at the~~ motion by Rule 56.

~~(d) Preliminary Hearings. The defenses specifically enumerated (1) (6) in subdivision (b) of this rule, whether made in a pleading or by motion, and the motion for judgment mentioned in subdivision (c) of this rule shall be heard and determined before trial on application of any party, unless the court orders that the hearing and determination thereof be deferred until the trial.~~

(e) Motion for a More Definite Statement. ~~If a pleading to which a responsive pleading is permitted is so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading, the~~ A party may move for a more definite statement ~~before interposing of a pleading to which a responsive pleading is allowed but which is so vague or ambiguous that the party cannot reasonably prepare a response. The motion must be made before filing a responsive pleading. The motion shall and must point out the defects complained of and the details desired. If the motion is granted court orders a more definite statement and the order of the court is not obeyed within 1014 days after notice of the order or within such other the time as the court may fix sets, the court may strike the pleading to which the motion was directed or make such order as it deems just or issue any other appropriate order.~~

(f) Motion to Strike. ~~Upon motion made by a party before responding to a pleading or, if no responsive pleading is permitted by these rules, upon motion made by a party within 20 days after the service of the pleading upon the party or upon the court's own initiative at any time, the court may order stricken. The court may strike from any a pleading any an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. The court may act:~~

~~(g) Consolidation of Defenses in Motion. A~~ (1) on its own; or

~~(2) on motion made by a party who makes a either before responding to the pleading or, if a response is not allowed, within 21 days after being served with the pleading.~~

~~(g) Joining Motions.~~

~~(1) Right to Join. A motion under this rule may join be joined with it any other motions herein motion allowed by this rule.~~

~~(2) Limitation on Further Motions. Except as provided for and then available to the party. If in Rule 12(h)(2) or (3), a party that makes a motion under this rule but omits therefrom any must not make another motion under this rule raising a defense or objection that was available to the party which this rule permits to be raised by motion, the party shall not thereafter make a motion based on the defense or objection so but omitted, except a motion as provided in subdivision (h)(2) hereof on any of the grounds there stated from its earlier motion.~~

~~(h) Waiver or Preservation of~~ **Waiving and Preserving Certain Defenses.**

~~(1) When Some Are Waived. A party waives any defense of lack of jurisdiction over the person, insufficiency of process, or insufficiency of service of process is waived listed in Rule 12(b)(2)-(4) by:~~

~~(A) if omitted omitting it from a motion in the circumstances described in subdivision Rule 12(g)(2); or~~

~~(B) if failing to either:~~

~~(i) make it is neither made by motion under this rule nor included; or~~

~~(ii) include it in a responsive pleading or in an amendment thereof permitted allowed by Rule 15(a) to be made)(1) as a matter of course.~~

~~(2) A defense of failure~~ **When to Raise Others.** Failure to state a claim upon which relief can be granted, a defense of failure to join a party indispensable

~~underperson required by Rule 19, and an objection of failure(b), or to state a legal defense to a claim may be made raised:~~

~~_____ (A) in any pleading permitted allowed or ordered under Rule 7(a), or by motion for judgment on the pleadings, or at the trial on the merits.);~~

~~_____ (B) by a motion under Rule 12(c); or~~

~~_____ (C) at trial.~~

~~(3) Whenever it appears by suggestion Lack of the parties or otherwise that Subject-Matter Jurisdiction. If the court determines at any time that it lacks jurisdiction of the subject-matter jurisdiction, the court shall must dismiss the action.~~

~~(i) Hearing Before Trial. If a party so moves, any defense listed in Rule 12(b)(1)-(6)—whether made in a pleading or by motion—and a motion under Rule 12(c) must be heard and decided before trial unless the court orders a deferral until trial.~~

~~**RULE** Rule 13. COUNTERCLAIM AND CROSS CLAIM Counterclaim and Crossclaim~~

~~(a) Compulsory Counterclaims. Counterclaim.~~

~~(1) In General. A pleading shall must state as a counterclaim any claim which that— at the time of serving the pleading its service—the pleader has against anyan opposing party, if it the claim:~~

~~_____ (A) arises out of the transaction or occurrence that is the subject matter of the opposing party's claim; and~~

~~_____ (B) does not require for its adjudication the presence of third parties of adding another party over whom the court cannot acquire jurisdiction. But the~~

~~(2) Exceptions. The pleader need not state the claim if (1) at the time;~~

~~(A) when the action was commenced, the claim was the subject of another pending action; or (2)~~

~~(B) the opposing party brought suit upon the sued on its claim by attachment or other process by which the court that did not acquire establish personal jurisdiction to render a personal judgment on that claim, and over the pleader is not stating on that claim, and the pleader does not assert any counterclaim under this Rule 13rule.~~

~~(b) **Permissive Counterclaims, Counterclaim.** A pleading may state as a counterclaim any claim against an opposing party not arising out of the transaction or occurrence that is the subject matter of the opposing party's any claim that is not compulsory.~~

~~(c) **Relief Sought in a Counterclaim Exceeding Opposing Claim.** A counterclaim may or may need not diminish or defeat the recovery sought by the opposing party. It may claim request relief exceeding that exceeds in amount or different differs in kind from that the relief sought in the pleading of by the opposing party.~~

~~(d) **Counterclaim Against the State.** These rules shall do not be construed to enlarge beyond the limits now fixed by law expand the right to assert counterclaims a counterclaim—or to claim credits a credit—against the State or an, its political subdivisions, their agencies and entities, or any current or former officer or agency employee thereof.~~

~~(e) **Counterclaim Maturing or Acquired After Pleading.** A claim which either matured or was acquired by the pleader after serving a pleading may, with the permission of the court, be presented as a counterclaim by The court may permit a party to file a supplemental pleading.~~

~~(f) **Omitted Counterclaim.** When a pleader fails to set up asserting a counterclaim through oversight, inadvertence, or excusable neglect, or when justice requires, the pleader may by leave of court set up the counterclaim by~~

~~amendment that matured or was acquired by the party after serving an earlier pleading.~~

~~(f) Abrogated.~~

~~(g) **Cross-Claim** Crossclaim Against a Coparty. A pleading may state as a ~~cross-claim~~ crossclaim any claim by one party against a coparty ~~arising if the claim arises~~ out of the transaction or occurrence that is the subject matter either of the original action or of a counterclaim ~~therein~~, or ~~relating if the claim relates~~ to any property that is the subject matter of the original action. ~~Such cross-claim~~ The crossclaim may include a claim that the party against whom it is asserted ~~coparty is~~ or may be liable to the ~~cross-claimant~~ crossclaimant for all or part of a claim asserted in the action against the ~~cross-claimant~~ crossclaimant.~~

~~(h) **Joinder of** Joining Additional Parties. Persons other than those made parties to the original action may be made parties to a counterclaim or cross-claim in accordance with the provisions of Rules 19 and 20 govern the addition of a person as a party to a counterclaim or crossclaim.~~

~~(i) **Separate Trials; Separate Judgments**. If the court orders separate trials as provided in under Rule 42(b), it may enter judgment on a counterclaim or cross-claim may be rendered in accordance with the terms of crossclaim under Rule 54(b) when the court it has jurisdiction to do so to do, even if the opposing party's claims of the opposing party have been dismissed or otherwise disposed of resolved.~~

RULE Rule 14. THIRD PARTY PRACTICE Third-Party Practice

~~(a) **When Defendant a** Defending Party May Bring in a Third Party. ~~At any time after commencement~~~~

~~(1) **Timing of the** action a Summons and Complaint. A defending party may, as a third-party plaintiff, may cause file a summons and third-party complaint to be served upon against a person ~~not a nonparty~~, the third-party to the action defendant, who is or may be liable to the third-party plaintiff it for all or part~~

of the plaintiff's claim against it. But the third-party plaintiff. The third-party plaintiff need not must, by motion, obtain the court's leave to makefile the service third-party complaint if the third-party plaintiff it files the third-party complaint not latermore than 1014 days after serving theits original answer. OtherwiseA summons, the complaint, and the third-party plaintiffcomplaint must obtain leavebe served on motion upon notice to all parties to the action. The personthird-party defendant, or service must be waived, under Rule 4.

(2) Third-Party Defendant's Claims and Defenses. After being served with the summons and third party complaint, hereinafter calledor waiving service, the third-party defendant, shall make:

(A) must assert any defenses todefense against the third-party plaintiff's claim as provided inunder Rule 12;

(B) must assert any counterclaim against the third-party plaintiff under Rule 13(a), and may assert any counterclaimscounterclaim against the third-party plaintiff and cross-claimsunder Rule 13(b) or any crossclaim against othera defendant or another third-party defendants as provided in Rule 13. The third party defendant under Rule 13(g);

(C) may assert against the plaintiff any defenses whichdefense that the third-party plaintiff has to the plaintiff's claim. The third-party defendant; and

(D) may also assert any claim against the plaintiffagainst the plaintiff any claim arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff.

(3) Plaintiff's Claims Against a Third-Party Defendant. The plaintiff may assert against the third-party defendant any claim arising out of the transaction or occurrence that is the subject matter of the plaintiff's claim against the third-party plaintiff. The plaintiff may assert any claim against the third-party defendant arising out of the transactionmust then assert any defense under Rule 12

~~and any counterclaim under Rule 13(a), and may assert any counterclaim under Rule 13(b) or occurrence that is the subject matter of the plaintiff's claim~~any crossclaim under Rule 13(g).

~~(4) Defendant's Claims Against a Third-Party Defendant. A defendant may assert against the third-party plaintiff, and the third-party defendant thereupon shall assert any defenses as provided in Rule 12 and any counterclaims and cross-claims as provided in Rule 13.~~defendant any crossclaim under Rule 13(g).

~~(5) Motion to Strike, Sever, or Try Separately. Any party may move to strike the third-party claim, or for its severance or separate trial, to sever it, or to try it separately.~~

~~(6) Third-Party Defendant's Claim Against a Nonparty. A third-party defendant may proceed under this rule against any person not a party to the action~~a nonparty who is or may be liable to the third-party defendant for all or part of the~~any claim made in the action against the third-party defendant~~it.

~~(b) When a Plaintiff May Bring in a Third Party. When a counterclaim~~claim is asserted against a plaintiff, the plaintiff may cause~~bring in a third party to be brought in under circumstances which under~~if this rule would entitle~~allow a defendant to do so.~~

~~RULE~~Rule 15. AMENDED AND SUPPLEMENTAL PLEADINGS~~Amended and Supplemental Pleadings~~

~~(a) Amendments. Before Trial.~~

~~(1) Amending as a Matter of Course. A party may amend the party's~~sits pleading once as a matter of course at any time before a responsive pleading is served or, within:

~~(A) 21 days after serving it, or~~

~~(B) if the pleading is one to which no responsive pleading is required, 21 days after service of a responsive pleading is permitted and the action~~

has not been placed upon the trial calendar, the party may so amend it at any time within 20 days after it is served. Otherwise a party may amend the party's or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

(2) Other Amendments. In all other cases, a party may amend its pleading only by leave of court or by with the opposing party's written consent of for the adverse party; and court's leave shall be. The court should freely give give leave when justice so requires. A party shall plead in

(3) Time to Respond. Unless the court orders otherwise, any required response to an amended pleading must be made within the time remaining for response to respond to the original pleading or within 1014 days after service of the amended pleading, whichever period may be the longer, unless the court otherwise orders is later.

~~(b) Amendments to Conform to the Evidence.~~ When issues not raised by the pleadings are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings. Such amendment of the pleadings as may be necessary to cause them to conform to the evidence and to raise these issues may be made upon motion of any party at any time, even after judgment; but failure so to amend does not affect the result of the trial of these issues.

If (b) Amendments During and After Trial.

(1) Based on an Objection at Trial. If, at trial, a party objects that evidence is objected to at the trial on the ground that it is not within the issues made by raised in the pleadings, the court may allow permit the pleadings to be amended and shall do so. The court should freely permit an amendment when the presentation of doing so will aid in presenting the merits of the action will be subserved thereby and the objecting party fails to satisfy the court that the admission of such evidence would prejudice the party in maintaining the that party's action or defense upon on the merits. The court may grant a continuance to enable the objecting party to meet sue the evidence.

(2) For Issues Tried by Consent. When an issue not raised by the pleadings is tried by the parties' express or implied consent, it must be treated in all respects as if raised in the pleadings. A party may move—at any time, even after judgment—to amend the pleadings to conform them to the evidence and to raise an unpleaded issue. But failure to amend does not affect the result of the trial of that issue.

(c) Relation Back of Amendments. Whenever the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading, the An amendment to a pleading relates back to the date of the original pleading: when:

(1) the amendment asserts a claim or defense that arose out of the conduct, transaction, or occurrence set out—or attempted to be set out—in the original pleading; or

(2) the amendment changes a party or the naming of a party against whom a claim is asserted, if Rule 15(c)(1) is satisfied and if, within the period provided by Rule 4(e) for serving the summons and complaint, the party to be brought in by amendment:

(A) received such notice of the action that it will not be prejudiced in defending on the merits; and

(B) knew or should have known that the action would have been brought against it, but for a mistake concerning the proper party's identity.

(d) Supplemental Pleadings. ~~Upon~~ On motion of a party the court may, ~~upon and~~ reasonable notice and upon such, the court may, on just terms as are just, permit ~~the~~ a party to serve a supplemental pleading setting forth ~~transactions or occurrences or events which have out~~ any transaction, occurrence, or event that happened since after the date of the pleading sought to be supplemented. ~~Permission~~ The court may be granted permit supplementation even though the original pleading is defective in its statement of ~~stating~~ a claim for relief or defense.

If ~~the~~The court deems ~~it advisable~~may order that the adverse~~opposing~~party plead to the supplemental pleading within a specified time.

~~RULE 16. PRETRIAL CONFERENCES; SCHEDULING; MANAGEMENT~~

Rule 16. Pretrial Conferences; Scheduling; Management

(a) **Pretrial Conferences; Objectives.** In any action, the court may ~~in its discretion direct~~order the attorneys for the parties and any unrepresented parties to appear ~~before it for a conference~~one or more pretrial conferences before trial for such purposes as:

- (1) ~~E~~xpediting the disposition of the action;
- (2) ~~E~~stablishing early and continuing control so that the case will not be protracted because of lack of management;
- (3) ~~D~~iscouraging wasteful pretrial activities;
- (4) ~~I~~mproving the quality of the trial through more thorough preparation; and
- (5) ~~F~~acilitating the settlement of the case.

(b) **Scheduling and Planning.**

~~(1) Scheduling Order.~~ Except in categories of actions exempted by ~~district court local rule as inappropriate,~~ the judge,court or a discovery commissioner shallmust, after consulting with the attorneys for the parties and any unrepresented parties by a scheduling conference, telephone, ~~mail~~conference, or other suitable means, enter a scheduling order ~~that limits the time:~~

~~(1) To~~

~~(2) Time to Issue.~~ The court or discovery commissioner must issue the scheduling order as soon as practicable, but unless the court or discovery commissioner finds good cause for delay, the court or discovery commissioner must issue it within 60 days after:

(A) a Rule 16.1 case conference report has been filed; or

(B) the court or discovery commissioner waives the requirement of a case conference report under Rule 16.1(f).

(3) Contents of the Order.

(A) Required Contents. The scheduling order must limit the time to join other parties and to amend the pleadings;

~~(2) To file and hear motions; and~~

~~(3) To complete discovery, and file motions.~~

(B) Permitted Contents. The scheduling order may also include:

~~(4) The date or~~

(i) provide for disclosure, discovery, or preservation of electronically stored information;

(ii) direct that before moving for an order relating to discovery, the movant must request a conference with the court;

(iii) set dates for pretrial conferences before trial, a final pretrial conference, and for trial; and

~~(5) Any (iv) include any other matters appropriate in the circumstances of the case matters.~~

~~The order shall issue as soon as practicable but in any event within 60 days after the filing of a case conference report pursuant to Rule 16.1 or an order by the discovery commissioner or the court waiving the requirement of a case conference report pursuant to Rule 16.1(f). A schedule shall not be modified except by leave of the judge or a discovery commissioner upon a showing of good cause.~~

(4) Modifying a Schedule. A schedule may be modified by the court or discovery commissioner for good cause.

(c) Attendance and Subjects to Be Discussed at Pretrial Conferences. ~~The participants at~~

(1) Attendance. A represented party must authorize at least one of its attorneys to make stipulations and admissions about all matters that can reasonably

be anticipated for discussion at a pretrial conference. If appropriate, the court may require that a party or its representative be present or reasonably available by other means to consider possible settlement.

(2) Matters for Consideration. At any pretrial conference under this rule, the court may consider and take appropriate action with respect to the following matters:

(1) The formulation (A) formulating and simplification of simplifying the issues, including the elimination of and eliminating frivolous claims or defenses;

(2) The necessity or desirability of amendments to (B) amending the pleadings if necessary or desirable;

(3) The possibility of (C) obtaining admissions of fact and of stipulations about facts and documents which will to avoid unnecessary proof, stipulations regarding the authenticity of documents, and ruling in advance rulings from the court on the admissibility of evidence;

(4) The avoidance of (D) avoiding unnecessary proof and of cumulative evidence, and limiting the use of testimony under NRS 50.275 and pursuant to NRS 47.060; NRS 47.060 and NRS 50.275;

(5) The (E) determining the appropriateness and timing of summary adjudication under Rule 56;

(6) The identification of (F) identifying witnesses and documents, scheduling the need and schedule for filing and exchanging exchange of any pretrial briefs, and the date or setting dates for further conferences and for trial;

(7) The advisability of (G) referring matters to a discovery commissioner or a master;

(8) Settlement (H) settling the case and the use of using special procedures to assist in resolving the dispute when authorized by statute or local rule;

~~_____~~ (9) The ~~_____~~ (I) determining the form and substance content of the pretrial order;

~~_____~~ (10) The disposition ~~_____~~ (J) disposing of pending motions;

~~_____~~ (11) The need for ~~_____~~ (K) adopting special procedures for managing potentially difficult or protracted actions that may involve complex issues, multiple parties, difficult legal questions, or unusual proof problems;

~~_____~~ (12) An order for ~~_____~~ (L) ordering a separate trial pursuant to under Rule 42(b) with respect to of a claim, counterclaim, cross-claim, third-party claim, or with respect to any particular issue in the case;

~~_____~~ (13) An order ~~_____~~ (M) establishing a reasonable limit on the time allowed for presenting to present evidence; and

~~_____~~ (14) Such ~~_____~~ (N) facilitating in other matters as may facilitate ways the just, speedy, and inexpensive disposition of the action.

~~At least one of the attorneys for each party participating in any conference before trial shall have authority to enter into stipulations and to make admissions regarding all matters that the participants reasonably anticipate may be discussed. If appropriate, the court may require that a party or its representative be present or reasonably available by telephone in order to consider possible settlement of the dispute.~~

~~_____~~ ~~(d)~~ **(d) Pretrial Orders.** After any conference under this rule, the court should issue an order reciting the action taken. This order controls the course of the action unless the court modifies it.

~~_____~~ ~~(e)~~ **(e) Final Pretrial Conference.** Any and Orders. The court may hold a final pretrial conference shall to formulate a trial plan, including a plan to facilitate the admission of evidence. The conference must be held as close to the time start of trial as is reasonable under the circumstances. The participants at any such conference shall formulate a plan for trial, including a program for facilitating the admission of evidence. The conference shall, and must be attended by at least one of

~~the attorneys-attorney who will conduct the trial for each of the partiesparty and by any unrepresented parties.~~

~~(e) Pretrial Orders. After any conference held pursuant to this rule, an order shall be entered reciting any action taken. This order shall control the subsequent course of the action unless modified by a subsequent order. The order followingparty. The court may modify the order issued after a final pretrial conference shall be modified only to prevent manifest injustice.~~

~~(f) Sanction. IfSanctions.~~

~~(1) In General. On motion or on its own, the court may issue any just orders, including those authorized by Rule 37(b)(1)(A)(ii)-(vii), if a party or party's sits attorney:~~

~~(A) fails to appear at a scheduling or other pretrial conference;~~

~~(B) is substantially unprepared to participate—or does not participate in good faith—in the conference; or~~

~~(C) fails to obey a scheduling or pretrial order, or if no appearance is made on behalf of a party at a scheduling or other pretrial conference, or if a party or party's attorney is substantially unprepared to participate in the conference, or if a party or party's attorney fails to participate in good faith, the judge, upon motion or the court's own initiative, may make such orders with regard thereto as are just, including any of the orders provided in Rule 37(b)(order.~~

~~(2)(B), (C), (D). In lieu) Imposing Fees and Costs. Instead of or in addition to any other sanction, the judge shall requirecourt must order the party or the, its attorney representing the party, or both to pay the reasonable expenses—including attorney's fees—incurred because of any noncompliance with this rule, including attorney's fees, unless the judge finds that the noncompliance was substantially justified or that other circumstances make an award of expenses unjust.~~

~~RULE 16.1. MANDATORY PRETRIAL DISCOVERY REQUIREMENTS~~

~~{Applicable to all civil cases except proceedings in the Family Division of the Second and Eighth Judicial District Courts and domestic relations cases in the judicial districts without a family division.}~~

Rule 16.1. Mandatory Pretrial Discovery Requirements

(a) Required Disclosures.

(1) Initial Disclosures.Disclosure.

~~(A) In General. Except in proceedings as exempted by Rule 16.1(a)(1)(B) or to the extent as otherwise stipulated or directed ordered by order the court, a party must, without awaiting a discovery request, provide to the other parties:~~

~~(A) The (i) 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;~~

~~(B) A (ii) a copy of, or a description by category and location of, all documents, data compilations electronically stored information, and tangible things that are the disclosing party has in its possession, custody, or control of and may use to support its claims or defenses, including for impeachment or rebuttal, and, unless privileged or protected from disclosure, any audio and/or visual record, report, or witness statement concerning the party and which are discoverable under Rule 26(b); incident that gives rise to the lawsuit;~~

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

~~(iv) a computation of any each category of damages claimed by the disclosing party, making who must make available for inspection and copying as under Rule 34 the documents or other evidentiary matter, not material, unless privileged or protected from disclosure, on which sue each computation is~~

based, including materials bearing on the nature and extent of injuries suffered; and
~~(D) For~~ (v) for inspection and copying as under Rule 34, any insurance agreement under which ~~any person carrying on an~~ insurance business may be liable to satisfy all or part ~~or all of a possible judgment which may be entered in~~ the action or to indemnify or reimburse for payments made to satisfy the judgment and any disclaimer or limitation of coverage or reservation of rights under any such insurance agreement.

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

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

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

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

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

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

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

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

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

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

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

(C) Time for Initial Disclosures—In General. A party must make the initial disclosures ~~must be made at~~ or within 14 days after the parties' Rule 16.1(b) conference unless a different time is set by stipulation or court order, or

unless a party objects during the conference that initial disclosures are not appropriate in the ~~circumstances of the~~this action and states the objection in the Rule 16.1(c) case conference report. In ruling on the objection, the court must determine what ~~disclosures—disclosure, if any—~~ are to be made, and must set the time for disclosure. ~~Any party~~

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

(E) Basis for Initial Disclosure; Unacceptable Excuses. A party must make its initial disclosures based on the information then reasonably available to it ~~and~~. A party is not excused from making its disclosures because it has not fully ~~completed its investigation of~~investigated the case or because it challenges the sufficiency of another party's disclosures or because another party has not made its disclosures.

(2) Disclosure of Expert Testimony.

(A) In General. In addition to the disclosures required by paragraph ~~(Rule 16.1(a)(1))~~, a party ~~shall~~must disclose to the other parties the identity of any ~~person who~~witness it may be used at trial to present evidence under NRS 50.275, 50.285 and 50.305.

(B) Except—as Witnesses Who Must Provide a Written Report. Unless otherwise stipulated or ~~directed~~ordered by the court, this disclosure shall, ~~with respect to a witness who is~~must be accompanied by a written report— prepared and signed by the witness ~~—if the witness is one~~ retained or specially employed to provide expert testimony in the case or one whose duties as ~~an~~the party's employee of the party regularly involve giving expert testimony, ~~be accompanied by a written report prepared and signed by the witness.~~ The court, upon good cause shown or by stipulation of the parties, may relieve a party of the duty to prepare a

~~written report in an appropriate case. The report shall~~ must contain:

~~(i) a complete statement of all opinions to be expressed~~ the witness will express and the basis and reasons therefor; for them;

~~(ii) the facts or data or other information considered by the witness in forming the opinions; them;~~

~~(iii) any exhibits to that will be used as a summary of to summarize or support for them;~~

~~(iv) the opinions; the witness's qualifications of the witness, including a list of all publications authored by in the witness within the preceding 10 previous ten years; the compensation to be paid for the study and testimony; and a listing of any~~

~~(v) a list of all other cases in which, during the previous four years, the witness has testified as an expert at trial or by deposition within the preceding four years; and~~

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

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

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

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

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

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

(D) Treating Physicians.

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

(ii) Change in Status. A treating physician will be deemed a retained expert witness subject to the written report requirement of Rule 16.1(a)(2)(B) if the party is asking the treating physician to provide opinions outside the course and scope of the treatment provided to the party. However, a treating physician is not a retained expert merely because:

(a) the patient was referred to the physician by an attorney for treatment;

(b) the witness will opine about diagnosis, prognosis, or causation of the patient's injuries; or

(c) the witness reviews documents outside his or her medical chart in the course of providing treatment or defending that treatment.

(iii) Disclosure. The disclosure regarding a nonretained treating physician must include the information identified in Rule 16.1(a)(2)(C), to the extent practicable. In that regard, appropriate disclosure may include that the witness will testify in accordance with his or her medical chart, even if some records contained therein were prepared by another healthcare provider.

(E) Time to Disclose Expert Testimony.

(i) A party must make these disclosures shall be made at the

times and in the sequence directed by that the court:

~~(i) In the absence of extraordinary circumstances, and except as otherwise provided in subdivision (2), the orders. Absent a stipulation or a court shall direct that order otherwise, the disclosures shall~~ must be made:

~~(a) at least 90 days before the discovery cut-off date;~~
or

~~(ii) If (b) if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under paragraph (Rule 16.1(a)(2)(B), the disclosures shall be made (C), or (D), within 30 days after the other party's disclosure made by the other party. This later.~~

~~(ii) The disclosure deadline under Rule 16.1(a)(2)(E)(i)(b) does not apply to any party's witness whose purpose is to contradict a portion of another party's case in chief that should have been expected and anticipated by the disclosing party, or to present any opinions outside of the scope of another party's disclosure.~~

~~(D)~~

~~(F) Supplementing the Disclosure.~~

~~(i) In General. The parties must supplement these disclosures when required under Rule 26(e)(1).~~

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

~~(a) in accordance with Rule 16.1(a)(2)(B).~~

~~(b) within a reasonable time after the non-retained~~

expert's opinions become known to the disclosing party, and

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

(3) Pretrial Disclosures.

(A) In General. ~~— (3) Pretrial Disclosures.~~ In addition to the disclosures required by Rule 16.1(a)(1) and (2), a party must provide to the other parties and promptly file the following information regarding about the evidence that it may present at trial, including impeachment and rebuttal evidence:

(A) The (i) 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 it may call if the need arises;

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

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

(B) Time for Pretrial Disclosures; Objections.

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

(ii) Within 14 days thereafter after they are made, unless the court sets a different time is specified by the court, a party may serve and promptly file a list disclosing (i) of the following objections:

(a) any objections to the use under Rule 32(a) of a deposition designated by another party under subparagraph (B), Rule 16.1(a)(3)(A)(ii); and (ii)

~~_____~~ (b) any objection, together with the grounds therefor, that may be made to the admissibility of materials identified under subparagraph (C). ~~Objections~~ Rule 16.1(a)(3)(A)(iii).

~~_____~~ (iii) An objection not so disclosed, other than objections made except for one under NRS 48.025 and 48.035, shall be deemed is waived unless excused by the court for good cause shown.

(4) Form of Disclosures. Unless the court orders otherwise, all disclosures under ~~Rules~~ Rule 16.1(a)(1) through (3) must be made in writing, signed, and served.

~~_____~~ ~~(b) Meet and Confer Requirements.~~

~~_____~~ ~~(1) Attendance at~~

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

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

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

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

~~_____~~ (C) the case is in the court annexed arbitration program ~~or;~~

~~_____~~ (D) the case has been through arbitration and the parties have requested a trial de novo under the NAR;

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

~~_____~~ (F) the court has entered an order excusing compliance with this requirement.

(2) Timing.

(A) In General. The early case conference must be held within 30 days after service of an answer by the first answering defendant, and thereafter, if requested by a subsequent answering party, the parties shall meet in person to confer and consider the nature and basis of their 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)(1) of this rule and to develop a discovery plan pursuant to subdivision (b)(2). The attorney for the plaintiff shall designate the time and place of each meeting which must be held in the county where the action was filed, unless the parties agree upon a different location. The attorneys may agree to continue the time for the . All parties who have served initial pleadings must participate in the first case conference. If a new party serves its initial pleading after the first case conference, a supplemental case conference must be held within 30 days after service by any party of a written request for a supplemental conference; otherwise, a supplemental case conference is not required.

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

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

none.

~~(2) Planning for Discovery.~~ The parties shall

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

(4) Responsibilities.

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

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

(i) consider the nature and basis of their claims and defenses;

(ii) disclose the names of each relevant medical provider to the person or persons' whose injury is in issue and provide an appropriate signed authorization for each provider, unless an authorization has been given under Rule 16.1(a)(1)(A)(iii), above;

(iii) consider the possibilities for a prompt settlement or resolution of the case;

(iv) make or arrange for the disclosures required by Rule 16.1(a)(1);

(v) discuss any issues about preserving discoverable information; and

(vi) develop a proposed discovery plan.

(C) Discovery Plan. The discovery plan which shall indicate must state the parties' views and proposals concerning:

(A) What (i) what changes should be made in the timing, form, or requirement for disclosures under Rule 16.1(a), including a statement as to when disclosures under Rule 16.1(a)(1) were made or will be made;

~~(B) The (ii) 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 (iii) any issues about disclosure, discovery, or preservation of electronically stored information, including the form or forms in which it should be produced;~~

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

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

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

~~(E) An (vii) an estimated time for trial.~~

(c) Case Conference Report.

(1) In General.

(A) Joint or Individual Report. Within 30 days after each case conference, the parties must file a joint case conference report or, if the parties are unable to agree upon the contents of a joint report, each party must serve and file a an individual case conference report ~~which, either as a joint or individual report, must contain:~~

(B) After Supplemental Case Conference. After a supplemental case conference, the parties must supplement, but need not repeat, the contents of prior reports. Notwithstanding the filing of a supplemental case

conference report, deadlines set forth in an existing scheduling order remain in effect unless the court or discovery commissioner modifies the discovery deadlines.

(C) After Court-Annexed Arbitration. Unless otherwise ordered by the court or the discovery commissioner, parties to any case wherein a timely trial de novo request has been filed subsequent to arbitration need not hold a further in-person conference, but must file a joint case conference report under Rule 16.1(c) within 60 days from the date of the de novo filing, said report to be prepared by the party requesting the trial de novo.

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

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

(2) A (B) a proposed plan and schedule of any additional discovery pursuant to subdivision under Rule 16.1(b)(24)(C) of this rule;

(3) A (C) a written list of names exchanged pursuant to subdivision under Rule 16.1(a)(1)(A)(i) of this rule;

(4) A (D) a written list of all documents provided at or as a result of the case conference pursuant to subdivision under Rule 16.1(a)(1)(A)(iiB) of this rule;

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

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

(8) A (H) a calendar date, not later than 30 days after the discovery cut-off date, by which dispositive motions must be filed;

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

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

~~After any subsequent case conference, the parties must supplement, but need not repeat, the contents of prior reports.~~ (3) **Objections.** Within 7 days after service of any case conference report, any other party may file a response thereto ~~objecting~~ in which it objects to all or a ~~portion~~ part of the report or adding any other matter which is necessary to properly reflect the proceedings ~~occurring that occurred~~ at the case conference.

(d) Automatic Referral of Discovery Disputes.

(1) Where available or unless otherwise ordered by the court, all discovery disputes (except those presented at the pretrial conference or trial) must first be heard by the discovery commissioner under Rule 16.3.

(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.

(1) Untimely Case Conference. If the conference described in Rule 16.1(b) is not held within 180 days after service of an answer by a defendant, the case may be dismissed as to that defendant upon motion or on the court's own initiative,

without prejudice, unless there are compelling and extraordinary circumstances for a continuance beyond this period. This provision does not apply to a defendant who serves its answer after the first case conference, unless a party has served a written request for a supplemental conference in accordance with Rule 16.1(b)(2)(A).

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

(3) Other Grounds for 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 under Rule 16.3(d) of this rule, the court, upon motion or upon its own initiative, ~~shall~~should 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:

(A) ~~Any~~any of the sanctions available pursuant to under Rule 37(b)(21) and Rule 37(f); or

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

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

(g) ~~Proper Person~~Self-Represented Litigants. ~~When a~~The requirements

of this rule apply to any self-represented party.

Rule 16.2. Mandatory Prejudgment Discovery Requirements in Domestic Relations Matters (Not Including Paternity or Custody Actions Between Unmarried Persons)

(a) **Applicability.** This rule ~~applies to~~replaces Rule 16.1 in all divorce, annulment, separate maintenance, and dissolution of domestic partnership actions. Nothing in this rule ~~shall preclude~~precludes a party from conducting discovery ~~pursuant to the Nevada Rules under other of Civil Procedure~~these rules.

(b) Exemptions.

(1) Either party may file a motion for exemption; the ~~from all or a part of this rule.~~

(2) The court may, sua sponte at the case management conference, exempt all or any portion of a case from application of this rule, in whole or in part, upon a finding of good cause, 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.

(c) Financial Disclosure Forms.

(1) **General Financial Disclosure Form (GFDF).** In all actions governed by this rule, each party must complete, file, and serve a General Financial Disclosure Form (GFDF) within 30 days of service of the ~~Complaint~~summons and complaint, unless a Detailed Financial Disclosure Form (DFDF) is required in accordance with Rule 16.2(c)(2) or the court orders the parties, at the case management conference, to complete the ~~Detailed Financial Disclosure Form~~DFDF.

(2) **Detailed Financial Disclosure Form (DFDF).** ~~If the Plaintiff,~~

(A) The plaintiff, concurrently with the filing of the ~~Complaint~~complaint, or the ~~Defendant~~defendant, concurrently with the filing of the

~~Answer~~answer, but no later than 1514 days after the filing of the Answer, files the answer, may file a “Request to Opt-in to Detailed Financial Disclosure Form and Complex Litigation Procedure” certifying that:

~~(A) Either (i) either party’s individual gross income, or the combined gross income of the parties, is more than \$250,000 per year; or~~

~~(B) Either (ii) either party is self-employed or the owner, partner, managing or majority shareholder, or managing or majority member of a business; or~~

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

~~then each party must file the DFDF within (B) Within 45 days of service of the Request to Opt-in, each party must file the DFDF unless otherwise ordered by the court or stipulated by the parties. The~~

~~(C) If a Request to Opt-in is filed, the case shall then be subject to the Complex Divorce Litigation Procedures, which requires that each following complex divorce litigation procedure. Each party must prepare a Complex Divorce Litigation Plan complex divorce litigation plan that shall must be filed and served as part of the Early Case Conference Report early case conference report. The plan shall must include, in addition to the requirements of Rule 16.2(ij), 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.~~

(d) Mandatory Initial Disclosures.-

(1) Initial Disclosure Requirements.

~~(A) Concurrently with the filing of the Financial Disclosure Forms financial disclosure form, each party must, without awaiting a discovery request, serve upon the other party written and signed disclosures containing the following information: listed in Rule 16.2(d)(2) and (3).~~

~~_____ (1) Evidence Supporting Financial Disclosure Form. For each line item on the GFDF or DFDF, if not already evidenced by the other disclosures required herein, the financial statement(s), document(s), receipt(s), or other information or evidence relied upon to support the figure represented on the form. If no documentary evidence exists, an explanation in writing of how the figure was calculated.~~

~~_____ (2) Evidence of Property, Income, and Earnings as to Both Parties. _____ (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:~~

~~_____ (i) the party has not fully completed an investigation of the case; because:~~

~~_____ (ii) the party challenges the sufficiency of another party's disclosures; or because~~

~~_____ (iii) another party has not made the required disclosures.~~

~~_____ (C) For each requirement item set forth in Rule 16.2(d)(2)(A) through (P3), if the disclosing party is not in possession of the documents, the disclosing party must identify each such asset or debt that exists and disclose where information pertaining to each asset or debt may be found. If no such asset or debt exists, the disclosing party must specifically so state.~~

_____ (2) Evidence Supporting Financial Disclosure Form. For each line item on the GFDF or DFDF, if not already evidenced by the other initial disclosures required herein, a party must provide the financial statement(s), document(s), receipt(s), or other information or evidence relied upon to support the figure represented on the form. If no documentary evidence exists, a party must provide an explanation in writing of how the figure was calculated.

_____ (3) Evidence of Property, Income, and Earnings as to Both Parties.

(A) Bank and Investment Statements. Copies A party must provide copies of all monthly or periodic bank, checking, savings, brokerage, investment, cryptocurrency 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 summons and Complaint complaint through the date of the disclosure;.

(B) Credit Card and Debt Statements. Copies A party must provide 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 summons and Complaint complaint through the date of disclosure;.

(C) Real Property. Copies A party must provide 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;.

(D) Property Debts. Copies A party must provide 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 summons and Complaint 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;.

(E) Loan Applications. Copies A party must provide copies of all loan applications that a party has signed within 12 months prior to the service of the Summons summons and Complaint complaint through the date of the disclosure;.

(F) **Promissory Notes.** Copies A party must provide copies of all promissory notes under which a party either owes money or is entitled to receive money;

(G) **Deposits.** Copies A party must provide copies of all documents evidencing money held in escrow or by individuals or entities for the benefit of either party;

(H) **Receivables.** Copies A party must provide copies of all documents evidencing loans or monies due to either party from individuals or entities;

(I) **Retirement and Other Assets.** Copies A party must provide 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 summons and Complaint 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;

(J) **Insurance.** Copies A party must provide 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 summons and Complaint 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;

(K) **Insurance Policies.** Copies A party must provide 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;

(L) Values. ~~Copies~~ A party must provide 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~~ summons and ~~Complaint~~ 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 (i.e., appraisals, estimates, or official value guides);).

(M) Tax Returns. ~~Copies~~ A party must provide 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 5 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;.

(N) Proof of Income. ~~Proof~~ A party must provide proof of income of the party from all sources, specifically including W-2, 1099, 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~~ summons and ~~Complaint~~ complaint through the date of the disclosure; ~~and.~~

(O) Personalty. A party must provide 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.

(P) Exhibits. AA party must provide a copy of every other document or exhibit, including summaries of other evidence, that a party expects to offer as evidence at trial in any manner.

(e) Additional Discovery and Disclosures.

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

(42) Additional Discovery. Nothing in the minimum requirements of this rule shall precludeprovides a basis for objecting to relevant additional discovery in accordance with the Nevada Rules of Civil Procedurethese rules.

(53) Disclosure of Expert Witness and Testimony.-

(A) A party shallmust disclose the identity of any person who may be used at trial to present evidence pursuant tounder NRS 50.275, 50.285, and 50.305. These disclosures must be made within 90 days after the initial financial disclosure form is required to be filed and served under Rule 16.2(c) 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 shallmust supplement these disclosures when required under Rule 26(e)(1).

(AB) 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, shallmust 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 shallmust 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.

(64) Nonexpert Witness. ~~The~~ A party must disclose 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 and a brief description of the testimony for which the individual may be called. Absent a court order or written stipulation of the parties, a party ~~shall~~must not be allowed to call a witness at trial who has not been disclosed at least 45 days before trial.

(75) Authorizations for Discovery. If a party believes it necessary to obtain information within the categories under Rule 16.2(d)(2)(A) through ~~(d)(2)(P3)~~; 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. The party who was requested to sign the authorization must do so within ~~10~~14 days of receipt of the authorization form. If the party who was requested to sign the authorization refuses to sign the authorization without good cause, a motion to compel may be filed. 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~~must be granted and the objecting party ~~shall~~must be made to pay reasonable attorney fees and costs.

(e) Continuing Duty to Supplement and Disclose. The duty described in this rule ~~shall be~~is a continuing duty, and each party ~~shall~~must 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~~must 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 and served within 24 hours of the discovery of new information.

(fg) Failure to File or Serve Financial Disclosure Form or to Produce Required Disclosures.-

_____ (1) 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 ~~shall~~must impose an appropriate sanction upon the party, the party's attorney, or both, unless specific affirmative findings of fact are made that the violating party has proven: ~~(1)~~

_____ (A) either good cause for the failure by a preponderance of the evidence or that the violating party would experience an undue hardship if the penalty is applied; and ~~(2)~~

_____ (B) that other means fully compensate the nonviolating party for any losses, delays, and expenses suffered as a result of the violation.

~~(1) Sanctions.~~

_____ (A2) Sanctions may include an order finding the violating party in civil contempt of court, an order requiring the violating party to timely file and serve the disclosures, to pay the opposing party's reasonable expenses, including attorney fees and costs incurred as a result of the failure, and any other sanction the court deems just and proper.

_____ (B3) Sanctions may additionally include an order refusing to allow the violating party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters in evidence, and/or any other sanction the court deems just and proper. These discretionary sanctions are authorized for repeat or egregious violations.

(gh) Failure to Include an Asset or Liability or Accurately Report Income.-

(1) If a party intentionally fails to disclose a material asset or liability or to accurately report income, the court ~~shall~~must 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.

~~(1) Sanctions.~~

~~(A2)~~ Sanctions may include an order finding the violating party in civil contempt of court, an award of reasonable attorney fees and costs to the nonviolating party, and any other sanction the court deems just and proper.

~~(B(3))~~ Sanctions may include 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, and/or any other sanction the court deems just and proper. These discretionary sanctions are encouraged for repeat or egregious violations.

~~(hi)~~ **Objections 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~~must be presumed authentic and genuine and ~~shall~~may not be excluded from evidence on these grounds.

~~(ij)~~ **Case Management Conferences.**

(1) **Attendance at Early Case Conference.** Within 45 days after service of the ~~Answer~~an answer, the parties and the attorneys for the parties ~~shall~~must confer for the purpose of complying with Rule 16.2(d). The ~~Plaintiff~~plaintiff ~~shall~~may designate the time and place of each meeting, which must be held in the county where the action was filed, unless the parties agree upon a different location. The parties may submit a ~~Stipulation~~stipulation and ~~Order~~order to continue the time for the case conference for an additional period of not more than 60 days, which the court may, ~~in its discretion and for good cause shown,~~ enter. Absent compelling and extraordinary circumstances, neither the court nor

the parties may extend the time to a day more than 90 days after service of the ~~Answer~~answer. The time for holding a case conference with respect to a defendant who has filed a motion ~~pursuant to~~under Rule 12(b)(2)-(4) is tolled until entry of an order denying the motion.

(2) **Early Case Conference Report.** Within ~~15~~14 days after each case conference, but not later than 57 days prior to the scheduled case management conference, the parties must file a joint early case conference report, or if the parties are unable to agree upon the contents of a joint report, each party must serve and file an early case conference report, which, either as a joint or individual report, must contain:

(A) Aa statement of jurisdiction;

(B) Aa brief description of the nature of the action and each claim for relief or defense;

(C) Ifif custody is at issue in the case, a proposed custodial timeshare and a proposed holiday, special day, and vacation schedule;

(D) Aa written list of all documents provided at or as a result of the case conference, together with any objection that the document is not authentic or genuine. The failure to state any objection to the authenticity or genuineness of a document constitutes a waiver of such objection at a subsequent hearing or trial. For good cause, the court may permit the withdrawal of a waiver and the assertion of an objection;

(E) Aa written list of all documents not provided under Rule 16.2(d), together with the explanation as to why each document was not provided;

(F) ~~For~~for each issue in the case, a statement of what information and/or documents are needed, along with a proposed plan and schedule of any additional discovery;

(G) Aa list of the property (including pets, vehicles, real estate, retirement accounts, pensions, etc.) that each litigant seeks to be awarded in this

action;

(H) ~~The~~the list of witnesses exchanged in accordance with Rule 16.2~~(d)(5)(e)(3)~~ and ~~(d)(6)(4)~~;

(I) ~~Identification~~identification of each specific issue preventing immediate global resolution of the case along with a description of what action is necessary to resolve each issue identified;

(J) ~~A~~a litigation budget; and

(K) ~~Proposed~~proposed trial dates.

(3) Attendance at Case Management Conference. The ~~district~~ court ~~shall~~must conduct a case management conference with counsel and the parties within 90 days after the filing of the ~~Answer~~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~~answer.

_____ (A) At the case management conference, the court, counsel, and the parties ~~shall~~must:

(A) ~~Confer~~ (i) confer and consider the nature and basis of the claims and defenses, the possibilities for a prompt settlement or resolution of the case, and ~~any other~~whether orders that should be entered setting the case for settlement conference and/or for trial;

(B) ~~Make~~ (ii) make or arrange for the disclosures required under this rule and to develop a discovery plan, which may include limitations on discovery or changes in the timing of discovery requirements required in this rule; and

(C) ~~Recite~~ (iii) recite stipulated terms on the record pursuant to ~~under~~ local ~~district~~rules.

_____ (B) ~~The court rules;~~should also:

~~(D) Enter~~ (i) enter interim orders sufficient to keep the peace and allow the case to progress;

(ii) for matters that are claimed to be in contest, directions by the court give direction as to which party will have which burden of proof;

~~(E) Discuss~~ (iii) discuss the litigation budget and its funding; and

~~(F) Enter~~ (iv) enter a scheduling order.

(C) In the event a party fails to attend the case management conference and the judge/court believes that some or any actions cannot be taken in the absence of the missing party, the court shall/must reschedule the case management conference and make an appropriate award of fees imposed on/may order the nonappearing party, measured by the cost of the attendance of to pay the complying party's attorney fees incurred to appear at the case management conference.

(4) Case Management Order.-

(A) Within 30 days after the case management conference, the court shall/must enter an order that contains:

~~(A) A~~ (i) a brief description of the nature of the action;

~~(B) The~~ (ii) the stipulations of the parties, if any;

~~(C) Any~~ (iii) any interim orders made by the court, including those pertaining to discovery and burdens of proof;

~~(D) Any~~ (iv) any changes to the timelines of this rule as stipulated by the parties and/or ordered by the court;

~~(E) A~~ (v) a deadline on which discovery will close;

~~(F) A~~ (vi) a deadline beyond which the parties shall/will be precluded from filing motions to amend the pleadings or to add parties unless by court order;

~~(G) A~~ (vii) a deadline by which dispositive motions must be filed; and

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

~~(B) If the court orders one of the parties to prepare the foregoing case management order, that party shall~~must submit the order to the other party for signature within ~~10 calendar~~14 days after the case management conference. The order ~~shall~~must be submitted to the court for entry within ~~20 calendar~~21 days after the case management conference.

~~(j)~~ (k) Automatic Referral of Discovery Disputes.

~~(1) Where available and unless otherwise directed by the court, all discovery disputes made upon written motion must first be heard by the discovery commissioner if available in that district~~under Rule 16.3.

~~(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 judicial 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.~~

Rule 16.205. Mandatory Prejudgment Discovery Requirements in Paternity and Custody Matters

(a) **Applicability.** This rule ~~applies to~~ replaces Rules 16.1, and 16.2 in all paternity and custody actions between unmarried parties. Nothing in this rule ~~shall preclude~~ precludes a party from conducting discovery ~~pursuant to the Nevada Rules under other of Civil Procedure~~ these rules.

(b) **Exemptions.**

(1) Either party may file a motion for exemption; the ~~from all or a part of this rule.~~

(2) The court may, sua sponte at the case management conference, exempt all or any portion of a case from application of this rule, in whole or in part, upon a finding of good cause, so long as the exemption is contained in an order of the court.

(c) **Financial Disclosure Forms.**

(1) **General Financial Disclosure Form (GFDF).** In all actions governed by this rule, each party must complete, file, and serve the cover sheet, income schedule and expense schedule of the General Financial Disclosure Form (GFDF) within 30 days of service of the ~~Complaint~~ summons and complaint, unless a Detailed Financial Disclosure Form (DFDF) is required in accordance with Rule 16.205(c)(2) or the court orders the parties, at the case management conference, to complete the ~~Detailed Financial Disclosure Form~~ DFDF.

(2) **Detailed Financial Disclosure Form (DFDF).** ~~If the Plaintiff,~~

(A) The plaintiff, concurrently with the filing of the ~~Complaint~~ complaint, or the ~~Defendant~~ defendant, concurrently with the filing of the ~~Answer~~ answer, but no later than ~~15~~ 14 days after the filing of the ~~Answer~~, files the answer, may file a “Request to Opt-in to Detailed Financial Disclosure Form and Complex Litigation Procedure” certifying that:

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

~~(B) Either (i) either party is self-employed or the owner, partner, managing or majority shareholder, or managing or majority member of a business;~~
~~then each party must file the DFDF within~~ (B) Within 45 days of service of the Request to Opt-in, ~~each party must file the DFDF unless otherwise ordered by the court or stipulated by the parties. The~~

~~(C) If a Request to Opt-in is filed, the case shall then be~~ subject to the ~~Complex Divorce Litigation Procedures, which requires that each following complex divorce litigation procedure. Each party must prepare a Complex Divorce Litigation Plan~~ complex divorce litigation plan that shall ~~must~~ be filed and served as part of the ~~Early Case Conference Report~~ early case conference report. The plan shall ~~must~~ include, in addition to the requirements of Rule 16.205(ij), 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.

(d) Mandatory Initial Disclosures.

~~(1) Initial Disclosure Requirements.~~

~~(A) Concurrently with the filing of the Financial Disclosure Forms~~ financial disclosure form, each party must, without awaiting a discovery request, serve upon the other party written and signed disclosures containing the following information: ~~listed in Rule 16.205(d)(2) and (3).~~

~~(1) Evidence Supporting Financial Disclosure Form. For each line item on the GFDF or DFDF, if not already evidenced by the other disclosures required herein, the financial statement(s), document(s), receipt(s), or other information or evidence relied upon to support the figure represented on the form. If no documentary evidence exists, an explanation in writing of how the figure was calculated.~~

~~(2) Evidence of Income and Earnings as to Both Parties.~~

~~(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:~~

~~(i) the party has not fully completed an investigation of the case, because:~~

~~(ii) the party challenges the sufficiency of another party's disclosures; or because~~

~~(iii) another party has not made the required disclosures.~~

~~(C) For each requirement item set forth in Rule 16.205(d)(2)(A) through (E3), if the disclosing party is not in possession of the documents, the disclosing party must identify each such asset or debt that exists and disclose where information pertaining to each asset or debt may be found. If no such asset or debt exists, the disclosing party must specifically so state.~~

~~(2) Evidence Supporting Financial Disclosure Form. For each line item on the GFDF or DFDF, if not already evidenced by the other initial disclosures required herein, a party must provide the financial statement(s), document(s), receipt(s), or other information or evidence relied upon to support the figure represented on the form. If no documentary evidence exists, a party must provide an explanation in writing of how the figure was calculated.~~

~~(3) Evidence of Income and Earnings as to Both Parties.~~

~~(A) Bank, Investment, and Other Periodic Statements. Copies A party must provide copies of all monthly or periodic bank, checking, savings, brokerage, investment, cryptocurrency, security account, or other statements evidencing income from interest, dividends, royalties, distributions, or any other income for the period commencing 6 months prior to the service of the Summons summons and Complaint complaint through the date of the disclosure;~~

(B) Insurance Policies. ~~Copies~~ A party must provide 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.

(C) Tax Returns. ~~Copies~~ A party must provide 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 3 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.

(D) Proof of Income. ~~Proof~~ A party must provide proof of income of the party from all sources, specifically including W-2, 1099, 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~~ summons and ~~Complaint~~ complaint through the date of the disclosure; ~~and~~.

(E) Exhibits. A party must provide a copy of every other document or exhibit, including summaries of other evidence, that a party expects to offer as evidence at trial in any manner.

~~(3)~~

(e) Additional Discovery and Disclosures.

~~(1)~~ **(1) Obtaining Discovery.** Any party may obtain discovery by one or more methods provided in Rules 26 through 36, commencing 30 days after service of the ~~Complaint~~ summons and complaint.

~~(42)~~ **(42) Additional Discovery.** Nothing in the minimum requirements of this rule ~~shall preclude~~ provides a basis for objecting to relevant additional discovery in accordance with ~~the Nevada Rules of Civil Procedure~~ these rules.

~~(53)~~ **(53) Disclosure of Expert Witness and Testimony.**

(A) A party shall must disclose the identity of any person who may be used at trial to present evidence ~~pursuant to~~under NRS 50.275, 50.285, and 50.305. These disclosures must be made within 90 days after the initial financial disclosure form is required to be filed and served under Rule 16.205(c) 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 must supplement these disclosures when required under Rule 26(e)(1).

(AB) 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 must 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 must 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.

(64) **Nonexpert Witness.** ~~The~~A party must disclose the name and, if known, the address and telephone number of each individual who has information or knowledge relevant 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 and a brief description of the testimony for which the individual may be called. Absent a court order or written stipulation of the parties, a party shall must not be allowed to call a witness at trial who has not been disclosed at least 45 days before trial.

(75) Authorizations for Discovery. If a party believes it necessary to obtain information within the categories under Rule 16.205(d)(2)(A) through ~~(d)(2)(E3)~~, 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. The party who was requested to sign the authorization must do so within ~~10~~14 days of receipt of the authorization form. If the party who was requested to sign the authorization refuses to sign the authorization without good cause, a motion to compel may be filed. 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~~must be granted and the objecting party ~~shall~~must be made to pay reasonable attorney fees and costs.

(ef) Continuing Duty to Supplement and Disclose. The duty described in this rule ~~shall be~~is a continuing duty, and each party ~~shall~~must 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~~must 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 and served within 24 hours of the discovery of new information.

(fg) Failure to File or Serve Financial Disclosure Form or to Produce Required Disclosures.

 (1) 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 ~~shall~~must impose an appropriate sanction upon the

party, the party's attorney, or both, unless specific affirmative findings of fact are made that the violating party has proven: ~~(1)~~

~~_____ (A) either good cause for the failure by a preponderance of the evidence or that the violating party would experience an undue hardship if the penalty is applied; and ~~(2)~~~~

~~_____ (B) that other means fully compensate the nonviolating party for any losses, delays, and expenses suffered as a result of the violation.~~

~~(1) Sanctions.~~

~~_____ (A2) Sanctions may include an order finding the violating party in civil contempt of court, an order requiring the violating party to timely file and serve the disclosures, to pay the opposing party's reasonable expenses, including attorney fees and costs incurred as a result of the failure, and any other sanction the court deems just and proper;.~~

~~_____ (B3) Sanctions may additionally include an order refusing to allow the violating party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters in evidence, and/or any other sanction the court deems just and proper. These discretionary sanctions are authorized for repeat or egregious violations.~~

(gh) Failure to Accurately Report Income.-

~~_____ (1) If a party intentionally fails to accurately report income, the court ~~shall~~must 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.~~

~~(1) Sanctions.~~

~~_____ (A2) Sanctions may include an order finding the violating party in civil contempt of court, an award of reasonable attorney fees and costs to the nonviolating party, and any other sanction the court deems just and proper;.~~

~~(B)(3)~~ These discretionary sanctions are encouraged for repeat or egregious violations.

(hi) Objections 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~~must be presumed authentic and genuine and ~~shall~~may not be excluded from evidence on these grounds.

(ij) Case Management Conferences.

(1) Attendance at Early Case Conference. Within 45 days after service of the ~~Answer~~answer, the parties and the attorneys for the parties ~~shall~~must confer for the purpose of complying with ~~Section Rule 16.205(d) of this rule.~~ The Plaintiff ~~shall~~plaintiff may designate the time and place of each meeting, which must be held in the county where the action was filed, unless the parties agree upon a different location. The parties may submit a ~~Stipulation~~stipulation and ~~Order~~order to continue the time for the case conference for an additional period of not more than 60 days, which the court may, ~~in its discretion and for good cause shown,~~ enter. Absent compelling and extraordinary circumstances, neither the court nor the parties may extend the time to a day more than 90 days after service of the ~~Answer~~answer. The time for holding a case conference with respect to a defendant who has filed a motion ~~pursuant to~~under Rule 12(b)(2)-(4) is tolled until entry of an order denying the motion.

(2) Early Case Conference Report. Within ~~15~~14 days after each case conference, but not later than ~~57~~ days prior to the scheduled case management conference, the parties must file a joint early case conference report, or if the parties are unable to agree upon the contents of a joint report, each party must serve and file an early case conference report, which, either as a joint or individual report, must contain:

(A) Aa statement of jurisdiction;

(B) Aa brief description of the nature of the action and each claim for relief or defense;

(C) Aa proposed custodial timeshare and a proposed holiday, special day, and vacation schedule;

(D) Aa written list of all documents provided at or as a result of the case conference, together with any objection that the document is not authentic or genuine. The failure to state any objection to the authenticity or genuineness of a document constitutes a waiver of such objection at a subsequent hearing or trial. For good cause, the court may permit the withdrawal of a waiver and the assertion of an objection;

(E) Aa written list of all documents not provided under Rule 16.205(d), together with the explanation as to why each document was not provided;

(F) ~~For~~for each issue in the case, a statement of what information and/or documents are needed, along with a proposed plan and schedule of any additional discovery;

(G) ~~The~~the list of witnesses exchanged in accordance with Rule 16.205(~~d~~)(~~5~~)(~~e~~)(3) and (~~d~~)(~~6~~)(4);

(H) ~~Identification~~identification of each specific issue preventing immediate global resolution of the case along with a description of what action is necessary to resolve each issue identified;

(I) Aa litigation budget; and

(J) ~~Proposed~~proposed trial dates.—

(3) Attendance at Case Management Conference. The district court ~~shall~~must conduct a case management conference with counsel and the parties within 90 days after the filing of the Answer~~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 answer.

(A) At the case management conference, the court, counsel, and the parties shall must:

(A) Confer (i) confer and consider the nature and basis of the claims and defenses, the possibilities for a prompt settlement or resolution of the case, and any other whether orders that should be entered setting the case for settlement conference and/or for trial;

(B) Make (ii) make or arrange for the disclosures required under this rule and to develop a discovery plan, which may include limitations on discovery or changes in the timing of discovery requirements required in this rule; and

(C) Recite (iii) recite stipulated terms on the record pursuant to under local district rules.

(B) The court rules; should also:

(D) Enter (i) enter interim orders sufficient to keep the peace and allow the case to progress;

(ii) for matters that are claimed to be in contest, directions by the court give direction as to which party will have which burden of proof;

(E) Discuss (iii) discuss the litigation budget and its funding; and

(F) Enter (iv) enter a scheduling order.

(C) In the event a party fails to attend the case management conference and the judge court believes that some or any actions cannot be taken in the absence of the missing party, the court shall must reschedule the case management conference and make an appropriate award of fees imposed on may order the nonappearing party, measured by the cost of the attendance of to pay the complying party party's attorney fees incurred to appear at the case management conference.

(4) Case Management Order.-

_____ (A) Within 30 days after the case management conference, the court ~~shall~~must enter an order that contains:

~~(A)~~ A (i) a brief description of the nature of the action;

~~(B)~~ The _____ (ii) the stipulations of the parties, if any;

~~(C)~~ Any _____ (iii) any interim orders made by the court, including those pertaining to discovery and burdens of proof;

~~(D)~~ Any _____ (iv) any changes to the timelines of this rule as stipulated by the parties and/or ordered by the court;

~~(E)~~ A (v) a deadline on which discovery will close;

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

~~(G)~~ A (vii) a deadline by which dispositive motions must be filed; and

~~(H)~~ Any _____ (viii) any other orders the court deems necessary during the pendency of the action, including interim custody and child support orders.

_____ (B) If the court orders one of the parties to prepare the foregoing case management order, that party ~~shall~~must submit the order to the other party for signature within ~~10-calendar~~14 days after the case management conference. The order ~~shall~~must be submitted to the court for entry within ~~20-calendar~~21 days after the case management conference.

_____ ~~(j)~~ (k) Automatic Referral of Discovery Disputes.

_____ (1) Where available and unless otherwise directed by the court, all discovery disputes made upon written motion must first be heard by the discovery commissioner if available in that district under Rule 16.3.

_____ (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 judicial 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.~~

RULE **16.21. POSTJUDGMENT DISCOVERY IN DOMESTIC RELATIONS MATTERS Postjudgment Discovery in Domestic Relations Matters**

~~—————Unless the court orders otherwise (a) Except as provided by this rule, parties are prohibited from conducting~~ must not conduct discovery in a postjudgment domestic relations matter.

~~—————(b) Parties may conduct discovery in postjudgment domestic relations matters.~~ For when:

~~—————(1) a court orders an evidentiary hearing in a postjudgment custody matter; or~~

~~—————(2) a court, for good cause shown, however, a court may, orders postjudgment discovery.~~

~~—————(c) Postjudgment discovery is governed by Rule 16.2, Rule 16.205 for paternity or custody matters, or as otherwise directed by the court.~~

RULE **16.215. CHILD WITNESSES Child Witnesses in Custody Proceedings**

~~(a) General Guidelines.~~ (a) In General. A court must use these procedures and considerations in child custody proceedings. When determining the scope of a child's participation in custody proceedings, the court should find a balance between protecting the child, the statutory duty to consider the wishes of the child, and the probative value of the child's input while ensuring to all parties their due process rights to challenge evidence relied upon by the court in making custody decisions.

(b) Definitions.

(1) **"Alternative Method."** As used in this rule, "alternative method" shall ~~be~~is defined as prescribed in NRS 50.520.

(2) **"Child Witness."** As used in this rule, "child witness" shall ~~be~~is defined as prescribed in NRS 50.530.

(3) **"Third-Party Outsourced Provider."** As used in this rule, "third-party outsourced provider" means any third party ordered by the court to interview or examine a child outside of the presence of the court for the purpose of eliciting information from the child for the court.

(c) Procedure.

(1) **Identifying Witnesses.** A party shall ~~must~~must identify and disclose any potential child witness whom they intend to call as a witness during the case either ~~at the time of the Case Management Conference/Early Case Evaluation, or through the filing of a Notice of Child Witness if the determination to call a child witness is made subsequent to the Case Management Conference/Early Case Evaluation.;~~

~~(2) Notice of Child Witness. In the event a child witness is not identified and disclosed at the Case Management Conference/Early Case Evaluation, or in the event of a post-judgment proceeding, a Notice of Child Witness shall~~

~~(A) at the time of the case management conference/early case evaluation; or~~

~~(B) by filing a Notice of Child Witness if the determination to call a child witness is made subsequent to the case management conference/early case~~

evaluation.

(2) Notice of Child Witness. A notice of child witness must be filed no later than 60 days prior to the hearing in which a child may be called as a witness unless otherwise ordered by the court. Such notice ~~shall~~must detail the scope of the child's intended testimony and provide an explanation as to why the child's testimony would aid the trier of fact under the circumstances of the case. Any party filing a ~~Notice~~notice of ~~Child Witness~~ child witness ~~shall~~must also deliver a courtesy copy of the notice to the court.

(3) Testimony by Alternative Methods. In the event that a party desires to perpetuate the testimony of a child witness through an alternate method, he or she ~~shall~~must file a Motion to Permit Child Testimony Through Alternate Means, ~~pursuant to~~under the Uniform Child Witness Testimony by Alternative Methods Act contained in NRS 50.500 et seq., at the same time as the notice of child witness, or no later than 60 days prior to the hearing in which the child may be called as a witness or 1514 days after the timely filing of a ~~Notice~~notice of ~~Child Witness~~ child witness, whichever period last expires, unless otherwise ordered by the court. The court may also issue an order to show cause why a child witness should not testify by alternative means, or address the issue at any case management conference.

(d) Alternative Methods.

(1) Available Alternative Methods. If the court determines ~~pursuant to~~under NRS 50.580 that an alternative method of testimony is necessary, the court ~~shall~~must consider the following alternative methods, in addition to any other alternative methods the court considers appropriate ~~pursuant to~~under the Uniform Child Witness Testimony by Alternative Methods Act contained in NRS 50.500 et seq.:

(A) In the event all parties are represented by counsel, the court may:

~~_____ (i) interview the child witness outside of the presence of the parties, with the parties' counsel present, or (ii) allow the parties' counsel to question the child witness in the presence of the court without the parties present;~~

~~_____ (B) In the event all parties are represented by counsel, the court may _____ (ii) interview the child witness outside of the presence of the parties, with the parties' counsel simultaneously viewing the interview via an electronic method; or~~

~~(C) _____ (iii) allow the parties' counsel to question the child witness in the presence of the court without the parties present.~~

~~_____ (B) Regardless of whether the parties are represented by counsel, the court may:~~

~~_____ (i) interview the child witness with no parties present, but may allow the parties to simultaneously view the interview via an electronic method if the court determines that the viewing is not contrary to the child's best interest; and/or~~

~~(D) The court may _____ (ii) have the child witness interviewed by a third-party outsource provider.~~

(2) Alternative Method Considerations. In determining which alternative method should be utilized in any particular case, the court should balance the necessity of taking the child witness's testimony in the courtroom with parents and attorneys present with the need to create an environment in which the child can be open and honest. In each case in which a child witness's testimony will be taken, ~~courtsthe court~~ should consider:

(A) ~~Where~~where the testimony will be taken, including the possibility of closing the courtroom to the public or hearing from the child witness on the record in chambers;

(B) ~~Who~~who should be present when the testimony is taken, such as both ~~parents~~parties and their attorneys, only ~~the~~the attorneys in the case in

~~which~~when both ~~parents~~parties are represented, the child witness's attorney and parents, or only a court reporter;

(C) ~~How~~how the child will be questioned, ~~such as~~including whether only the court will pose questions that the parties have submitted, whether attorneys or parties will be permitted to cross-examine the child witness, or whether a child advocate or expert in child development will ask the questions in the presence of the court and ~~parties or at~~the court reporter, with or without the parties; and

(D) ~~Whether~~whether it will be possible to provide an electronic method so that testimony taken in chambers may be heard simultaneously by the parents and their attorneys in the courtroom.

(3) Protections for Child Witness. In taking testimony from a child witness, the court ~~shall~~must take special care to protect the child witness from harassment or embarrassment and to restrict the unnecessary repetition of questions. The interviewer must also take special care to ensure that questions are stated in a form that is appropriate given the witness's age or cognitive level. The interviewer must inform the child witness in an age-appropriate manner about the limitations on confidentiality and that the information provided to the court will be on the record and provided to the parties in the case. In the process of listening to and inviting the child witness's input, the interviewer may allow, but should not require, the child witness to state a preference regarding custody or visitation and should, in an age-appropriate manner, provide information about the process by which the court will make a decision.

(e) **Due Process Rights.** Any alternative method ~~shall~~must afford all parties a right to participate in the questioning of the child witness, which, at a minimum, ~~shall~~must include an opportunity to submit potential questions or areas of inquiry to the court or other interviewer prior to the interview of the child witness.

(f) **Preservation of Record.** Any alternative method of testimony ordered by the court ~~shall~~must be preserved by audio or audio and visual recording to ensure

that such testimony is available for review for future proceedings.

(g) **Review of Record.** Any party may review the audio or audio and visual recording of testimony procured from a child by an alternate method upon written motion to the court or stipulation of the parties, unless the court finds by clear and convincing evidence that review by a party would pose a risk of substantial harm to the child involved.

(h) **Stipulation.** The court may deviate from any of the provisions of this rule upon stipulation of the parties. The ~~district courts~~judicial districts of this state ~~shall~~should promulgate a uniform canvass to be provided to litigants to ensure that they are aware of their rights to a full and fair opportunity for examination or cross-examination of a child witness prior to entering into any stipulation that would permit the interview or examination of a minor child by an alternative method and/or third-party outsourced provider.

(i) **Retention of Recordings.** Original recordings of child interviews ~~shall~~must be retained by the interviewer for a period of 7 years from the date of their recording, or until 6 months after the child witness emancipates, whichever is later, unless otherwise ordered by the court.

RULE 16.3. DISCOVERY COMMISSIONERS Discovery Commissioners

(a) **Appointment and Compensation.** ~~The court~~A judicial district may appoint one or more discovery commissioners to serve at the pleasure of the court. In multi-judge judicial districts, appointment ~~shall~~must be by the concurrence of a majority of all ~~the judges of such~~in the judicial district. The compensation of a discovery commissioner ~~may~~must not be taxed against the parties, but when fixed by the court must be paid out of appropriations made for the expenses of the judicial district~~court~~.

(b) **~~Powers and Duties.~~**

(1) A discovery commissioner may administer oaths and affirmations.

(2) As directed by the court, or as authorized by these rules or local rules, a discovery commissioner may enter scheduling orders pursuant to Rule 16(b) and:

(A) preside at the case conferences and:

(B) preside at discovery resolution conferences required by Rule 16.1;

(C) preside over discovery motions;

(D) preside at any other proceeding or 16.conference in furtherance of the discovery commissioner's duties;

(E) regulate all proceedings before the discovery commissioner;

(F) enter scheduling orders; and

(G) take any other action necessary or proper for the efficient performance of discovery commissioner's duties.

(2. A) If agreed by the parties or ordered by the court, a discovery commissioner also may conduct settlement conferences pursuant to an agreement by the parties or an order of the district court.

(c) Report and Recommendation; Objections.

(1) Report and Recommendation. After a discovery motion or other contested matter is heard by or submitted to a discovery commissioner, the discovery commissioner must prepare a report with the discovery commissioner's recommendations for a resolution of each unresolved dispute. The discovery commissioner has and shall exercise the power to administer oaths and affirmations, to regulate all proceedings in every conference before him, and to do all acts and take all measures necessary or proper for the efficient performance of his duties may direct counsel to prepare the report. The discovery commissioner must file the report with the court and serve a copy of it on each party.

(2) Objections. Within 14 days after being served with a report, any party may file and serve written objections to the recommendations. Written authorities may be filed with an objection, but are not mandatory. If written

authorities are filed, any other party may file and serve responding authorities within 7 days after being served with the objections.

(3) Review. Upon receipt of a discovery commissioner's report, any objections, and any response, the court may:

(A) affirm, reverse, or modify the discovery commissioner's ruling without a hearing;

(B) set the matter for a hearing; or

(C) remand the matter to the discovery commissioner for reconsideration or further action.

IV. PARTIES

~~RULE 17. PARTIES PLAINTIFF AND DEFENDANT; CAPACITY~~

Rule 17. Plaintiff and Defendant; Capacity; Public Officers

(a) Real Party in Interest. ~~Every~~

(1) Designation in General. An action shall must be prosecuted in the name of the real party in interest. An The following may sue in their own names without joining the person for whose benefit the action is brought:

(A) an executor;

(B) an administrator;

(C) a guardian;

(D) a bailee;

(E) a trustee of an express trust;

(F) a party with whom or in whose name a contract has been made for the another's benefit of another, or; and

(G) a party authorized by statute may sue in that person's own name without joining the party for whose benefit the action is brought; and when,

(2) Action in the Name of the State for Another's Use or Benefit. When a statute so provides, an action for ~~the~~ another's use or benefit of another ~~shall~~ must be brought in the name of the State. ~~No~~

(3) Joinder of the Real Party in Interest. The court may not dismiss ~~an action shall be dismissed on the ground that it is not prosecuted for failure to prosecute~~ in the name of the real party in interest until, after an objection, a reasonable time has been allowed ~~after objection for~~ for the real party in interest to ratify, join, or be substituted into the action. After ~~ratification of commencement of the action by, or, joinder, or substitution of, the real party in interest; and such ratification, joinder, or substitution shall have the same effect as if, the action proceeds as if it had been originally commenced in the name of~~ by the real party in interest.

(b) Capacity to Sue or Be Sued. ~~The capacity of~~ Capacity to sue or be sued is determined as follows:

(1) for an individual, including one acting in a representative capacity, ~~to sue or be sued shall be determined by the law of this State. The capacity of~~ state;

(2) for a corporation to sue or be sued shall be determined, by the law under which it was organized, unless a statute ~~the law of this State~~ state provides ~~to the contrary otherwise; and~~

(3) for all other parties, by the law of this state.

(c) ~~Infants~~ Minor or Incapacitated Person.

(1) ~~With a Representative.~~ The following representatives may sue or defend on behalf of a minor or ~~Incompetent Persons.~~ Whenever an infant or incompetent person has a representative, such as an incapacitated person:

(A) a general guardian;

(B) a committee;

(C) a conservator; or other

~~(D) a like fiduciary, the representative may sue or defend on behalf of the infant or incompetent person. An infant or incompetent,~~

~~(2) Without a Representative. A minor or an incapacitated person who does not have a duly appointed representative may sue by a next friend or by a guardian ad litem. The court shall~~must ~~appoint a guardian ad litem for an infant or incompetent~~ issue another appropriate order—to protect a minor or incapacitated person not otherwise represented who is unrepresented in an action or shall make such other order as it deems proper for the protection of the infant or incompetent person.

~~(d) Public Officer's Title and Name. A public officer who sues or is sued in an official capacity may be designated by official title rather than by name, but the court may order that the officer's name be added.~~

~~RULE~~Rule 18. JOINDER OF CLAIMS AND REMEDIES

~~(a) Joinder of Claims.~~

~~(a) In General. A party asserting a claim to relief as an original claim, counterclaim, cross-claim~~crossclaim~~, or third-party claim, may join, either as independent or as alternate~~alternative ~~claims, as many claims, legal or equitable or both as the party as it has against an opposing party.~~

~~(b) Joinder of Remedies; Fraudulent Conveyances. Whenever a claim is one heretofore cognizable only after another claim has been prosecuted to a conclusion, the~~Contingent Claims. A party may join two claims may be joined in a single action even though one of them is contingent on the disposition of the other; but the court shallmay ~~grant relief in that action only in accordance with the parties' relative substantive rights of the parties.~~ In particular, a plaintiff may state a claim for money and a claim to have set aside a conveyance that is fraudulent as to that plaintiff, without first having obtainedobtaining ~~a judgment establishing the claim for the money.~~

Rule 19. Required Joinder of Parties

~~RULE 19. JOINDER OF PERSONS NEEDED FOR JUST ADJUDICATION~~

(a) Persons Required to Be Joined if Feasible.

(1) Required Party. A person who is subject to service of process and whose joinder will not deprive the court of jurisdiction over the subject matter ~~jurisdiction must of the action shall~~ be joined as a party if:

~~(A) in that the action if (1) in the person's absence, the court cannot accord complete relief cannot be accorded among existing those already parties;~~ or

~~(B) that (2) the person claims an interest relating to the subject of the action and is so situated that disposing the disposition of the action in the person's absence may:~~

~~(i) as a practical matter impair or impede the person's ability to protect the that interest; or~~

~~(ii) leave an existing party any of the persons already parties subject to a substantial risk of incurring double, multiple, or otherwise inconsistent obligations because by reason of the claimed interest.~~

(2) Joinder by Court Order. ~~If a~~ the person has not been ~~so~~ joined as required, the court ~~must shall~~ order that the person be made a party. ~~All~~ the person who ~~refuses to should~~ join as a plaintiff but ~~refuses to do so~~, the person may be made either a defendant, or, in a proper case, an involuntary plaintiff.

(b) When Determination by Court Whenever Joinder Is Not Feasible. ~~If~~ ~~a person as described in subdivision (a) a person who is required to be joined if feasible~~ ~~(1) (2) hereof~~ cannot be joined made a party, the court ~~must shall~~ determine whether, in equity and good conscience, the action should proceed among the existing parties before it, or should be dismissed, ~~the absent person being thus regarded as indispensable.~~ The factors ~~for to be considered by the court to consider~~ include:

~~(1) the first, to what extent to which a judgment rendered in the person's absence might prejudice that be prejudicial to the person or the existing those already parties;~~

~~(2) second, the extent to which any prejudice could be lessened or avoided, by:~~

~~(A) protective provisions in the judgment;~~

~~(B) by the shaping the of relief, or~~

~~(C) other measures;~~

~~(3) the prejudice can be lessened or avoided; third, whether a judgment rendered in the person's absence would will be adequate; and~~

~~(4) fourth, whether the plaintiff would will have an adequate remedy if the action were is dismissed for nonjoinder.~~

(c) Pleading the Reasons for Nonjoinder. ~~When A pleading asserting a claim for relief, a party must shall state:~~

~~(1) the name names, if known to the pleader, of any person who is required to be joined if feasible but is persons as described in subdivision (a)(1) (2) hereof who are not joined; and~~

~~(2) the reasons for why they are not joining that person joined.~~

(d) Exception for of Class Actions. ~~This rule is subject to the provisions of Rule 23.~~

~~RULE~~ Rule 20. PERMISSIVE JOINDER OF PARTIES

~~(a) Permissive Joinder. All persons of Parties~~

~~(a) Persons Who May Join or Be Joined.~~

~~(1) Plaintiffs. Persons may join in one action as plaintiffs if:~~

~~(A) they assert any right to relief jointly, severally, or in the alternative in with respect of to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and if~~

~~(B) any question of law or of fact common to all these persons plaintiffs will arise in the action. All persons~~

~~(2) Defendants. Persons may be joined in one action as defendants if there:~~

~~(A) any right to relief is asserted against them jointly, severally, or in the alternative, any right to relief in with respect of to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and if~~

~~(B) any question of law or fact common to all defendants will arise in the action. A~~

~~(3) Extent of Relief. Neither a plaintiff or nor a defendant need not be interested in obtaining or defending against all the relief demanded. Judgment The court may be given for grant judgment to one or more of the plaintiffs according to their respective rights to relief, and against one or more defendants according to their respective liabilities.~~

~~(b) Separate Trials. Protective Measures. The court may make such issue orders as will prevent a party from being embarrassed, delayed, or put to expense by the inclusion of including an order for separate trials to protect a party against embarrassment, delay, expense, or other prejudice that arises from including a person against whom the party asserts no claim and who asserts no claim against the party, and may order separate trials or make other orders to prevent delay or prejudice.~~

~~RULE 21. MISJOINDER AND NONJOINDER OF PARTIES~~

~~Rule 21. Misjoinder and Nonjoinder of Parties~~

~~Misjoinder of parties is not a ground for dismissal of dismissing an action. Parties may be dropped or added by order of the court on On motion of any party or of on its own initiative, the court may at any stage of the action and time, on such just terms as are just. Any, add or drop a party. The court may also sever any claim~~

against a party may be severed and proceeded with separately.

RULERule 22. INTERPLEADERInterpleader

(a) Grounds.

(1) By a Plaintiff. Persons having with claims against the that may expose a plaintiff to double or multiple liability may be joined as defendants and required to interplead when their claims are such that the plaintiff is or may be exposed to double or multiple liability. It is not ground. Joinder for objection to the joinder that interpleader is proper even though:

(A) the claims of the several claimants, or the titles on which their claims depend do not have, lack a common origin or are not identical but are adverse to and independent of one another, rather than identical; or that

(B) the plaintiff avers that the plaintiff is not liable denies liability in whole or in part to any or all of the claimants.

(2) By a Defendant. A defendant exposed to similar liability may obtain such seek interpleader by way of cross claim through a crossclaim or counterclaim. The provisions of this rule supplement

(b) Relation to Other Rules and do not in any way Statutes. This rule supplements—and does not limit—the joinder of parties permitted in allowed by Rule 20. The remedy this rule provides is in addition to—and does not supersede or limit—the remedy provided by any Nevada statute providing for interpleader. These rules apply to any action brought under statutory interpleader provisions, except as otherwise provided by Rule 81.

RULERule 23. CLASS ACTIONSClass Actions

(a) Prerequisites to a Class Action. One or more members of a class may sue or be sued as representative parties on behalf of all only if:

(1) the class is so numerous that joinder of all members is impracticable,

_____ (2) ~~there are questions of law or fact common to the class;~~

_____ (3) ~~the claims or defenses of the representative parties are typical of the claims or defenses of the class, and (4) the representative parties will fairly and adequately protect the interests of the class;~~ and

_____ (b)

_____ (4) the representative parties will fairly and adequately protect the interests of the class.

_____ (b) **Aggregation.** The representative parties may aggregate the value of the individual claims of all potential class members to establish district court jurisdiction over a class action.

_____ (c) **Class Actions Maintainable.** An action may be maintained as a class action if the prerequisites of ~~subdivision~~ Rule 23(a) are satisfied, and in addition:

(1) the prosecution of separate actions by or against individual members of the class would create a risk of:

(A) inconsistent or varying adjudications with respect to individual members of the class which would establish incompatible standards of conduct for the party opposing the class, or

(B) adjudications with respect to individual members of the class which would as a practical matter be dispositive of the interests of the other members not parties to the adjudications or substantially impair or impede their ability to protect their interests; ~~or~~

(2) the party opposing the class has acted or refused to act on grounds generally applicable to the class, thereby making appropriate final injunctive relief or corresponding declaratory relief with respect to the class as a whole; or

(3) the court finds that the questions of law or fact common to the members of the class predominate over any questions affecting only individual members, and that a class action is superior to other available methods for the fair

and efficient adjudication of the controversy. The matters pertinent to the findings include:

_____ (A) ~~the interest of members of the class in individually controlling the prosecution or defense of separate actions;~~

_____ (B) ~~the extent and nature of any litigation concerning the controversy already commenced by or against members of the class;~~

_____ (C) ~~the desirability or undesirability of concentrating the litigation of the claims in the particular forum; (D) the difficulties likely to be encountered in the management of a class action and~~

~~(e) _____ (D) the difficulties likely to be encountered in the management of a class action.~~

_____ **(d) Determination by Order Whether Class Action to Be Maintained; Notice; Judgment; Actions Conducted Partially as Class Actions.**

(1) As soon as practicable after the commencement of an action brought as a class action, the court ~~shall~~must determine by order whether it is to be so maintained. ~~An~~The order ~~under this subdivision~~ may be conditional, and may be altered or amended before the decision on the merits.

_____ ~~(2) In any class action maintained under subdivision (b)(3), the court shall~~

_____ ~~(2) When determining whether an action may be maintained as a class action, the representative party's rejection of an offer made under Rule 68 or other offer of compromise that offers to resolve less than all of the class claims asserted by or against the representative party has no impact on the representative party's ability to satisfy the requirements of Rule 23(a)(4). When the representative party is unable or unwilling to continue as the class representative, the court must permit class members an opportunity to substitute themselves as the class representative except in cases where the representative party has been sued.~~

_____ ~~(3) In any class action maintained under Rule 23(c)(3), the court should~~

direct to the members of the class the best notice practicable under the circumstances, including individual notice to all members who can be identified through reasonable effort. The notice ~~shall~~must advise each member that:

_____ (A) ~~the~~ court will exclude the member from the class if the member so requests by a specified date;

_____ (B) ~~the~~ judgment, whether favorable or not, will include all members who do not request exclusion; and

_____ (C) ~~any~~ member who does not request exclusion may, if the member desires, enter an appearance through the member's counsel.

(34) The judgment in an action maintained as a class action under ~~subdivision Rule 23(b)(1) or (b)(2)~~, whether or not favorable to the class, ~~shall~~must include and describe those whom the court finds to be members of the class. The judgment in an action maintained as a class action under ~~subdivision Rule 23(b)(3)~~, whether or not favorable to the class, ~~shall~~must include and specify or describe those to whom the notice provided in ~~subdivision Rule 23(e)(2)~~ was directed, and who have not requested exclusion, and whom the court finds to be members of the class.

(45) When appropriate ~~(A)~~, an action may be brought or maintained as a class action with respect to particular issues, or ~~(B)~~ a class may be divided into subclasses and each subclass treated as a class, ~~and~~ In either case, the provisions of this rule ~~shall~~should then be construed and applied accordingly.

(d) Orders in Conduct of Actions. ~~In the conduct of~~

_____ (1) ~~When conducting~~ actions to which this rule applies, the court may make appropriate orders: (1)

_____ (A) determining the course of proceedings or prescribing measures to prevent undue repetition or complication in the presentation of evidence or argument; (2)

_____ (B) requiring, for the protection of the members of the class or otherwise for the fair conduct of the action, that notice be given to some or all of the

~~members in such manner as the court may direct to some or all of the members;~~

~~(i) of any step in the action, or;~~

~~(ii) of the proposed extent of the judgment, or;~~

~~(iii) of the opportunity of members to signify whether they consider the representation fair and adequate;~~

~~(iv) to intervene and present claims or defenses; or~~

~~(v) to otherwise to come into the action; (3)~~

~~(C) imposing conditions on the representative parties or on interveners; (4)~~

~~(D) requiring that the pleadings be amended to eliminate therefrom allegations as to representation of absent persons, and that the action proceed accordingly; (5) dealing with similar procedural matters. The orders may be combined with an order under Rule 16, and may be altered or amended as may be desirable from time to time.~~

~~(e) (E) dealing with similar procedural matters.~~

~~(2) The orders may be combined with an order under Rule 16, and may be altered or amended.~~

~~(f) **Dismissal or Compromise.** A class action shall must not be dismissed or compromised without the approval of the court, and notice of the proposed dismissal or compromise shall must be given to all members of the class in such manner as the court directs.~~

~~**RULE 23.1. DERIVATIVE ACTIONS BY SHAREHOLDERS**~~
~~Derivative Actions By Shareholders~~

In a derivative action brought by one or more shareholders or members to enforce a right of a corporation or of an unincorporated association, the corporation or association having failed to enforce a right which may properly be asserted by it, the complaint shall must be verified and shall must allege that the plaintiff was a

shareholder or member at the time of the transaction of which the plaintiff complains or that the plaintiff's share or membership thereafter devolved on the plaintiff by operation of law. The complaint ~~shall~~must also allege with particularity the efforts, if any, made by the plaintiff to obtain the action the plaintiff desires from the directors or comparable authority and, if necessary, from the shareholders or members, and the reasons for the plaintiff's failure to obtain the action or for not making the effort. The derivative action may not be maintained if it appears that the plaintiff does not fairly and adequately represent the interests of the shareholders or members similarly situated in enforcing the right of the corporation or association. The action ~~shall~~may not be dismissed or compromised without the approval of the court, and notice of the proposed dismissal or compromise ~~shall~~must be given to shareholders or members in such manner as the court directs.

~~RULE 23.2. ACTIONS RELATING TO UNINCORPORATED ASSOCIATIONS~~

Rule 23.2. Actions Relating to Unincorporated Associations

An action brought by or against the members of an unincorporated association as a class by naming certain members as representative parties may be maintained only if it appears that the representative parties will fairly and adequately protect the interests of the association and its members. In ~~the conduct of~~conducting the action, the court may ~~make~~issue any appropriate orders corresponding with those ~~described in Rule 23(de)~~, and the procedure for dismissal or compromise of the action ~~shall~~must correspond with ~~that provided~~the procedure in Rule 23(e~~f~~).

~~RULE~~ Rule 24. INTERVENTION ~~Intervention~~

(a) **Intervention of Right.** ~~Upon~~On ~~timely application~~motion, the court ~~must permit anyone~~ shall be permitted to intervene in an action: who:

~~_____ (1) when a statute confers is given an unconditional right to intervene; or by a state or federal statute; or~~

~~_____ (2) when the applicant claims an interest relating to the property or transaction which that is the subject of the action, and the applicant is so situated that the disposition disposing of the action may as a practical matter impair or impede the applicant's movant's ability to protect that its interest, unless the applicant's interest is adequately represented by existing parties adequately represent that interest.~~

(b) Permissive Intervention. ~~Upon~~

~~_____ (1) In General. On timely application motion, the court may permit anyone may be permitted to intervene in an action: (1) when a statute confers who:~~

~~_____ (A) is given a conditional right to intervene; by a state or (2) when an applicant's federal statute; or~~

~~_____ (B) has a claim or defense and that shares with the main action have a common question of law or fact in common.~~

~~_____ (2) By a Government Officer or Agency. On timely motion, the court may permit a state or federal governmental officer or agency to intervene if a party's claim or defense is based on:~~

~~_____ (A) a statute or executive order administered by the officer or agency; or~~

~~_____ (B) any regulation, order, requirement, or agreement issued or made under the statute or executive order.~~

~~_____ (3) Delay or Prejudice. In exercising its discretion, the court shall must consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties parties' rights.~~

~~(c) Procedure. A person desiring to intervene shall serve a Notice and Pleading Required. A motion to intervene upon must be served on the parties as provided in Rule 5. The motion shall must state the grounds therefor for intervention~~

and shall be accompanied by a pleading setting forth that sets out the claim or defense for which intervention is sought. ~~The same procedure shall be followed when a statute gives a right~~

RULE Rule 25. SUBSTITUTION OF PARTIES Substitution of Parties

(a) Death.

~~(1) If a party dies and the claim is not thereby extinguished, the court may order substitution of the proper parties. The motion for substitution may be made by any party or by the successors or representatives of the deceased party and, together with the notice of hearing, shall be served on the parties as provided in Rule 5 and upon persons not parties in the manner provided in Rule 4 for the service of a summons. Unless the motion for substitution is made not later than 90 days after the death is suggested upon the record by service of a statement of the fact of the death as provided herein for the service of the motion, the action shall be dismissed as to the deceased party.~~

~~(2) In the event of the death of one or more of the plaintiffs or of one or more of the defendants in an action in which the right sought to be enforced survives only to the surviving plaintiffs or only against the surviving defendants.~~

(1) Notice of Death. Upon a party's death, any party or a decedent's attorneys, successors, or representatives may file a notice of the death. If claims by or against the decedent are not extinguished or continued among the parties, any notice of death served on the decedent's successors or representatives must indicate that the court may dismiss the decedent's claims or strike the decedent's answer if the successors or representatives do not make a motion to substitute or take other action to continue to prosecute the action within 180 days after service of the notice of death.

(2) Dismissal if the Claim Is Extinguished. If a party dies and the claims are extinguished, the court must, on motion, dismiss the claims by or against the decedent.

(3) Continuation Among the Remaining Parties. If a party dies and the party's claims survive only to or against the remaining parties, the action does not abate. The death shall be suggested upon the record and the action shall proceed, but proceeds in favor of or against the surviving remaining parties. Upon a finding that the claims so survive, the court must dismiss the decedent from the action.

(4) Substitution if the Claim Is Not Extinguished.

(A) If a party dies and the claims are not extinguished or continued among the parties, the action does not abate and, unless otherwise ordered by the court, the remaining parties must continue to prosecute the action in accordance with these rules and any court orders entered prior to the decedent's death. The parties or the decedent's attorneys, successors, or representatives may make any appropriate motion, and the court may issue any appropriate order or direct any appropriate proceeding, to ensure the continuation of the action and the proper administration of justice in the case. Such a motion, order, or proceeding may include:

- (i) substituting the proper party;
- (ii) appointing a special administrator or guardian ad litem;
- (iii) permitting the remaining parties to continue the action with the decedent's name in the caption as if the death had not occurred; or
- (iv) if the decedent was protected by insurance, permitting the action to proceed solely by or against the decedent's insurance carrier.

(B) If the decedent's successors or representatives take no action to continue to prosecute the action within 180 days after service of a notice of death that complied with Rule 25(a)(1), the court may, on motion or on its own order to

show cause, dismiss the claims by or against the decedent or strike the decedent's answer.

(5) Service. A notice of death, a motion to substitute, or any other motion made under Rule 25(a) must be served on the parties and the decedent's attorneys, successors, and representatives. Service on the parties must be made as provided in Rule 5 and on nonparties as provided in Rule 4.

(b) Incompetency-Incapacitated Persons. If a party becomes incompetentincapacitated, the court uponmay, on motion—served as provided in subdivision (a) of this rule may allow, permit the action to be continued by or against the party's representative. If no such motion is made within a reasonable time, the incapacitated person's representative, the other parties, or the court may proceed under Rule 25(a)(4). Any motions or orders must be served as provided in Rule 25(a)(5).

(c) Transfer of Interest. In case of any transfer offIf an interest is transferred, the action may be continued by or against the original party; unless the court upon, on motion directs, orders the person to whom the interest is transferredtransferee to be substituted in the action or joined with the original party. Service of theThe motion shallmust be made served as provided in subdivision Rule 25(a) of this rule.) (5).

(d) Public Officers; Death or Separation Fromfrom Office.

(1) When An action does not abate when a public officer who is a party to an action in an official capacity and during its pendency dies, resigns, or otherwise ceases to hold office; while the action does not abate and theis pending. The officer's successor is automatically substituted as a party. Proceedings following the substitution shallLater proceedings must be in the name of the substituted partyparty's name, but any misnomer not affecting the parties' substantial rights of the parties shallmust be disregarded. AnThe court may order of substitution may be entered at any time, but the omission to enter absence of such an order shalldoes not

affect the substitution.

~~————— (2) A public officer who sues or is sued in an official capacity may be described as a party by the officer's official title rather than by name; but the court may require the officer's name to be added.~~

V. ~~DEPOSITIONS~~DISCLOSURES AND DISCOVERY

RULE 26. ~~GENERAL PROVISIONS GOVERNING DISCOVERY~~

Rule 26. General Provisions Governing Discovery

(a) **Discovery Methods.** At any time after the filing of a joint case conference report, or not sooner than 10 days after a party has filed a separate case conference report, or upon order by the court or discovery commissioner, any party who has complied with Rule 16.1(a)(1) ~~may obtain discovery by one or more of the following additional methods: depositions upon oral examination or written questions; written interrogatories; production of documents or things or permission to enter upon land or other property under Rule 34 or Rule 45(a)(1)(C), for inspection and other purposes; physical and mental examinations; and requests for admission.~~, 16.2, or 16.205 may obtain discovery by any means permitted by these rules.

(b) **Discovery Scope and Limits.** Unless otherwise limited by order of the court in accordance with these rules, the scope of discovery is as follows:

(1) ~~In General Scope.~~ Parties may obtain discovery regarding any nonprivileged matter, ~~not privileged, which that is relevant to the subject matter involved in the pending action, whether it relates to the claim~~any party's claims or ~~defenses~~defenses and proportional to the needs of the case, considering the importance of the party seeking discovery or to the claim or defense of any other party, including issues at stake in the action, the existence, description, nature, custody, condition and location of any books, documents, or other tangible things and amount in controversy, the identity and location of persons having knowledge of any discoverable matter. It is not ground for objection that the parties' relative access to

~~relevant information sought will be inadmissible at, the parties' resources, the trial if importance of the information sought appears reasonably calculated to lead to discovery in resolving the issues, and whether the burden or expense of the proposed discovery of outweighs its likely benefit. Information within this scope of discovery need not be admissible in evidence. All discovery is subject to the limitations imposed by Rule 26(b)(2)(i), (ii), and (iii), to be discoverable.~~

(2) Limitations. ~~By order, the~~

~~(A) Frequency. The court may alter the limits in these rules or set limits on the number of depositions and interrogatories, the length of depositions under Rule 30 or the number of requests under Rule 36. The~~

~~(B) Electronically Stored Information. A party need not provide discovery of electronically stored information from sources that the party identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the party from whom discovery is sought must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery, including costs of complying with the court's order.~~

~~(C) When Required. On motion or on its own, the court must limit the frequency or extent of use of the discovery methods otherwise permitted under allowed by these rules and/or by any local rule shall be limited by the court if it determines that:~~

~~(i) the discovery sought is unreasonably cumulative or duplicative, or is obtainable can be obtained from some other source that is more convenient, less burdensome, or less expensive;~~

~~(ii) the party seeking discovery has had ample opportunity by discovery in the action to obtain the information sought; or (iii) the discovery is~~

~~unduly burdensome or expensive, taking into account the needs of the case, the amount in controversy, limitations on the parties' resources, and the importance of the issues at stake in the litigation. The court may act upon its own initiative after reasonable notice or pursuant to a motion under subdivision (e) of this rule by discovery in the action; or~~

~~(iii) the proposed discovery is outside the scope permitted by Rule 26(b)(1).~~

~~(3) Trial Preparation: Materials. Subject to the provisions of subdivision (b)(4) of this rule~~

~~(A) Documents and Tangible Things. Ordinarily, a party may obtain discovery of not discover documents and tangible things otherwise discoverable under subdivision (b)(1) of this rule and that are prepared in anticipation of litigation or for trial by or for another party or by or for that other party's representative (including the other party's attorney, consultant, surety, indemnitor, insurer, or agent) only upon a showing that). But, subject to Rule 26(b)(4), those materials may be discovered if:~~

~~(i) they are otherwise discoverable under Rule 26(b)(1); and~~
~~(ii) the party seeking discovery shows that it has substantial need for the materials in the preparation of the party's case and that the party is unable cannot, without undue hardship to, obtain their substantial equivalent of the materials by other means. In ordering~~

~~(B) Protection Against Disclosure. If the court orders discovery of such those materials when the required showing has been made, the court shall, it must protect against disclosure of the mental impressions, conclusions, opinions, or legal theories of a party's attorney or other representative of a party concerning the litigation.~~

~~A (C) Previous Statement. Any party may obtain or other person may, on request and without the required showing a, obtain the person's own~~

~~previous statement concerning about the action or its subject matter previously made by that party. Upon request, a person not a party may obtain without the required showing a statement concerning the action or its subject matter previously made by that person. If the request is refused, the person may move for a court order. The provisions of, and Rule 37(a)(45) apply applies to the award of expenses incurred in relation to the motion. For purposes of this paragraph, a statement previously made is (A). A previous statement is either:~~

~~_____ (i) a written statement that the person has signed or otherwise adopted or approved by the person making it, or (B) a; or~~

~~_____ (ii) a contemporaneous stenographic, mechanical, electrical, or other recording, ___ or a transcription thereof, which is a of it—that recites substantially verbatim recital of an the person’s oral statement by the person making it and contemporaneously recorded.~~

(4) Trial Preparation: Experts.

~~_____ (A) _____ (A) Deposition of an Expert Who May Testify. A party may depose any person who has been identified as an expert whose opinions may be presented at trial. If a report from the expert is required under Rule Rules 16.1(a)(2)(B) or), 16.2(ae)(3), or 16.205(e)(3) the deposition shall may not be conducted until after the report is provided.~~

~~_____ (B) A party may, through interrogatories or by _____ (B) Trial- Preparation Protection for Draft Reports or Disclosures. Rule 26(b)(3) protects drafts of any report or disclosure required under Rules 16.1(a), 16.2(d) and (e), 16.205(d) and (e), or 26(b)(1) regardless of the form in which the draft is recorded.~~

~~_____ (C) Trial-Preparation Protection for Communications Between a Party’s Attorney and Expert Witnesses. Rule 26(b)(3) protects communications between the party’s attorney and any witness required to provide a report under Rules 16.1(a), 16.2(d) and (e), or 16.205(d) and (e) regardless of the form of the communications, except to the extent that the communications:~~

(i) relate to compensation for the expert's study or testimony;
(ii) identify facts or data that the party's attorney provided
and that the expert considered in forming the opinions to be expressed; or
(iii) identify assumptions that the party's attorney provided
and that the expert relied on in forming the opinions to be expressed.

(D) Expert Employed Only for Trial
Preparation. Ordinarily, a party may not, by interrogatories or deposition, discover facts known or opinions held by an expert who has been retained or specially employed by another party in anticipation of litigation or preparation to prepare for trial and who is not expected to be called as a witness at trial, ~~only as provided in Rule 35(b) or upon. But a showing of exceptional circumstances under which it is impracticable for the party seeking discovery to obtain facts or opinions on the same subject by other means may do so only:~~

~~(C) Unless manifest injustice would result, (i) the court shall require that the party seeking discovery pay the expert a reasonable fee for time spent in responding to discovery under this subdivision; and (ii) with respect to discovery obtained under subdivision (b)(4)(B) of this rule, the court shall require the party seeking discovery to pay the other party a fair portion of the fees and expenses reasonably incurred by the latter party in obtaining facts and opinions from the expert.~~

(i) as provided in Rule 35(b); or
(ii) on showing exceptional circumstances under which it is
impracticable for the party to obtain facts or opinions on the same subject by other
means.

(5) ~~Claims of Claiming Privilege or Protection of Protecting Trial~~
Preparation Materials.

(A) Information Withheld. When a party withholds information otherwise discoverable under these rules by claiming that the information is

privileged or subject to protection as trial-preparation material, the party shall must:

(i) expressly make the claim expressly; and shall
(ii) describe the nature of the documents, communications,
or tangible things not produced or disclosed—and do so in a manner that, without
revealing information itself privileged or protected, will enable other parties to
assess the applicability of the privilege or protection claim.

(B) Information Produced. If information produced in
discovery is subject to a claim of privilege or of protection as trial-preparation
material, the party making the claim may notify any party that received the
information of the claim and the basis for it. After being notified, a party must
promptly return, sequester, or destroy the specified information and any copies it
has; must not use or disclose the information until the claim is resolved; must take
reasonable steps to retrieve the information if the party disclosed it before being
notified; and may promptly present the information to the court under seal for a
determination of the claim. The producing party must preserve the information until
the claim is resolved.

(c) Protective Orders. ~~Upon motion by a~~

(1) In General. A party or ~~by the~~ any person from whom discovery is
sought, accompanied by may move for a protective order in the court where the action
is pending—or as an alternative on matters relating to an out-of-state deposition, in
the court for the judicial district where the deposition will be taken. The motion must
include a certification that the movant has in good faith conferred or attempted to
confer with the other affected parties in an effort to resolve the dispute without court
action, and . The court may, for good cause shown, the court in which the action is
pending may make any order which justice requires, issue an order to protect a party
or person from annoyance, embarrassment, oppression, or undue burden or expense,
including one or more of the following:

- ~~(1) that (A) forbidding the disclosure or discovery not be had;~~
- ~~(2) that the discovery may be had only on specified (B) specifying terms and conditions, including a designation of the time or place or the allocation of expenses, for the disclosure or discovery;~~
- ~~(3) that the (C) prescribing a discovery may be had only by a method of discovery other than that the one selected by the party seeking discovery;~~
- ~~(4) that (D) forbidding inquiry into certain matters not be inquired into, or that limiting the scope of the disclosure or discovery be limited to certain matters;~~
- ~~(5) that (E) designating the persons who may be present while the discovery is conducted with no one present except persons designated by the court;~~
- ~~(6) (F) requiring that a deposition after being sealed be and opened only by court order of the court;~~
- ~~(7) (G) requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a designated specified way; and~~
- ~~(8) (H) requiring that the parties simultaneously file specified documents or information enclosed in sealed envelopes, to be opened as directed by the court directs.~~

~~(2) Ordering Discovery. If the a motion for a protective order is wholly or partially denied in whole or in part, the court may, on such just terms and conditions as are just, order that any party or other person provide or permit discovery. The provisions of~~

~~(3) Awarding Expenses. Rule 37(a)(4) apply 5) applies to the award of expenses incurred in relation to the motion.~~

~~(d) Sequence and Timing of Discovery. After compliance with subdivision (a) of this rule, unless Unless the parties stipulate or the court upon motion, orders otherwise for the parties' and witnesses' convenience of parties and witnesses and in~~

the interests of justice, ~~orders otherwise;~~

~~(1) methods of discovery may be used in any sequence; and the fact that a~~

~~(2) discovery by one party is conducting discovery, whether by deposition or otherwise, does not operate to delay require any other party's party to delay its discovery.~~

(e) ~~Supplementation of~~ Supplementing Disclosures and Responses.

~~(1) In General.~~ A party who has made a disclosure under ~~Rule~~Rules 16.1-~~or~~, 16.2-, 16.205—~~or~~ responded to a request for discovery with a disclosure or response—~~is~~ under a duty to timely supplement or correct the disclosure or response to include information thereafter acquired, ~~if ordered by the court or in the following circumstances:~~

~~(1) A party is under a duty to supplement at appropriate intervals its disclosures under Rule 16.1(a) or 16.2(a) if the party learns that in some material respect the information disclosed is incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing.~~

~~(2) Expert Witness.~~ With respect to testimony of an expert from whom a report is required under ~~Rule~~Rules 16.1(a)(2)(B), 16.2(e)(3), or 16.205(e)(3) the duty extends both to information contained in the report and to information provided through a deposition of the expert, ~~and any.~~ Any additions or other changes to this information ~~shall~~must be disclosed by the time the party's disclosures under ~~Rule~~Rules 16.1(a)(3), 16.2(f), or 16.205(f) are due.

~~(2) A party is under a duty seasonably to amend a prior response to an interrogatory, request for production or request for admission, if the party learns that the response is in some material respect incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing.~~

(f) **Form of Responses.** Answers and objections to interrogatories or requests for production ~~shall~~must identify and quote each interrogatory or request for production in full immediately preceding the statement of any answer or objections thereto. Answers, denials, and objections to requests for admission ~~shall~~must identify and quote each request for admission in full immediately preceding the statement of any answer, denial, or objection thereto.

(g) Signing of Disclosures, Discovery Requests, Responses, and Objections.

~~(1) Signature Required; Effect of Signature. Every disclosure and report made pursuant to under Rules 16.1(a)(1), 16.1(a)(3), 16.1(e), 16.2(a)(2), 16.2(a)(4), and 16.2(d) shall~~ 205, other than reports prepared and signed by an expert witness, and every discovery request, response, or objection must be signed by at least one attorney of record in the attorney's individual own name, whose address shall be stated. An ~~or by the party personally, if unrepresented~~ party shall sign the disclosure and ~~and~~ and must, when available, state the party's address. The signature of the signer's physical and e-mail addresses, and telephone number. By signing, an attorney or party constitutes a certification certifies that to the best of the signer's person's knowledge, information, and belief, formed after a reasonable inquiry, the:

(A) with respect to a disclosure, it is complete and correct as of the time it is made; and

~~(2) Every discovery request, response or objection made by a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated. An unrepresented party shall sign the request, response, or objection and state the party's address. The signature of the attorney or party constitutes a certification that to the best of the signer's knowledge, information, and belief, formed after a reasonable inquiry, the request, response, or objection, is:~~

~~_____ (A) _____ (B) with respect to a discovery request, response, or objection, it is:~~

~~_____ (i) consistent with these rules and warranted by existing law or by a good faith nonfrivolous argument for the extension, modification, or reversal of extending, modifying, or reversing existing law; or for establishing new law:~~

~~(B) (ii) not interposed for any improper purpose, such as to harass, obscure, equivocate or to cause unnecessary delay, or needlessly increase in the cost of litigation; and~~

~~(C) not (iii) neither unreasonable or unduly burdensome or expensive, given considering the needs of the case, the prior discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation action.~~

If a ~~_____ (2) Failure to Sign. Other parties have no duty to act on an unsigned disclosure, request, response, or objection until it is not signed, it shall be stricken and the court must strike it unless its signature is signed promptly supplied after the omission is called to the attention of the party making the request, response or objection and a party shall not be obligated to take any action with respect to it until it is signed attorney's or party's attention.~~

~~_____ (3) If (3) Sanction for Improper Certification. If a certification violates this rule without substantial justification a certification is made in violation of this rule, the court, upon motion or upon its own initiative, shall, must impose upon the person who made the certification an appropriate sanction on the signer, the party on whose behalf the disclosure, request, response, or objectionsigner was madeacting, or both, an appropriate. The sanction, which may include an order to pay the amount of the reasonable expenses incurred because of the violation, including a reasonable attorney's fees, caused by the violation.~~

(h) **Demand for Prior Discovery.** Whenever a party makes a written demand for disclosures or discovery which took place prior to the time the party

became a party to the action, whether under Rule 16.1 or Rule 26, each party who has previously made ~~discovery~~ disclosures, or responded to a request for admission or production or answered interrogatories ~~shall~~must make available to the demanding party the document(s) in which the ~~discovery~~ disclosures and responses ~~in question to discovery~~ are contained for inspection and copying, or furnish ~~to the~~ demanding party a list identifying each such document by title ~~and upon~~. Upon further demand ~~shall furnish to~~from the demanding party, at the expense of the demanding party, the recipient of such demand must furnish a copy of any listed discovery disclosure or response specified in the demand or, in the case of document disclosure or request for production, ~~shall~~must make available for inspection by the demanding party all documents and things previously produced. Further, each party who has taken a deposition ~~shall~~must make a copy of the transcript thereof available to the demanding party at ~~the latter's~~sits expense.

~~RULE 27. DEPOSITIONS BEFORE ACTION OR PENDING APPEAL~~

Rule 27. Depositions to Perpetuate Testimony

(a) Before an Action is Filed.

(1) **Petition.** A person who ~~desires~~wants to perpetuate testimony regarding ~~including his or her own~~ about any matter that ~~may be~~ cognizable in any court ~~of~~within the State ~~United States~~ may file a verified petition in a district court. The petition ~~shall be entitled in the~~ must ask for an order authorizing the petitioner to depose the named persons in order to perpetuate their testimony. The petition must be titled in the petitioner's name of the petitioner and shallmust show:

1,

(A) that the petitioner expects to be a party to an action cognizable in a court ~~of~~within the State ~~United States~~ but ~~is~~cannot presently ~~unable to~~ bring it or cause it to be brought, 2,

~~_____~~ (B) the subject matter of the expected action and the petitioner's interest therein, ~~3,~~;

~~_____~~ (C) the facts ~~which~~that the petitioner ~~desires~~wants to establish by the proposed testimony and the reasons ~~for desiring to perpetuate it,~~ ~~4,~~;

~~_____~~ (D) the names or a description of the persons ~~whom~~ the petitioner expects ~~will~~to be adverse parties and their addresses, so far as known, ~~;~~ and ~~5,~~

~~_____~~ (E) the ~~names~~name, address, and addresses of the persons to be examined and the ~~expected~~ substance of the testimony which the petitioner expects to elicit from ~~of~~ each, and shall ask for an order authorizing the petitioner to take the depositions of the persons to be examined named in the petition, for the purpose of perpetuating their testimony ~~deponent~~.

(2) Notice and Service. ~~The~~At least 21 days before the hearing date, the petitioner shall ~~thereafter~~must serve a notice upon each person named in the petition as an expected adverse party, together with a copy of the petition, ~~and a notice stating that the petitioner will apply to the court, at a~~the time and place named therein, for the order described in the petition. At least 20 days before the date of hearing ~~the~~of the hearing. The notice shall~~may~~ be served ~~either inside or outside the state, or service may be waived, in the manner provided in Rule 4(d) for service of summons; but if such service cannot with due diligence be made upon any expected adverse party named in the petition, the court may make such order as is just for service by publication or otherwise, and shall~~Rules 4, 4.1, 4.2, 4.3, or 4.4. The court must appoint, ~~for an attorney to represent persons who were not served in the manner provided in Rule 4(d), an attorney who shall represent them, and, in case they are not~~Rules 4.2, 4.3, or 4.4(a) or (b), did not waive or admit service, and did not appear at the hearing, and to cross-examine the deponent if the person is not otherwise represented, shall cross-examine the deponent. If any expected adverse party is a minor or incompetent ~~the provisions of~~is incapacitated, Rule 17(c) apply~~applies~~.

(3) Order and Examination. ~~If the court is satisfied that the perpetuation of perpetuating the testimony may prevent a failure or delay of justice, it shall make the court must issue an order designating that designates or describing describes the persons whose depositions may be taken and specifying, specifies the subject matter of the examination examinations, and states whether the depositions shall will be taken upon oral examination orally or by written interrogatories. An order appointing an attorney under subdivision (a)(2) to represent the absent expected adverse party and to cross-examine the proposed witness shall set the attorney's compensation including expenses. The compensation so set shall be paid by the petitioner prior to the appearance of the appointed attorney at the examination. The The depositions may then be taken in accordance with under these rules;~~ and the court may ~~make issue~~ issue orders of the character provided for like those authorized by Rules 34 and 35. ~~For the purpose of applying A reference in these rules to depositions for perpetuating testimony, each reference therein to the court in which the the court where an action is pending shall be deemed to refer to means, for purposes of this rule, the court in which where the petition for such the deposition was filed.~~

(4) Use of Using the Deposition. ~~If a A deposition to perpetuate testimony is may be used in Nevada under Rule 32(a) in any later-filed action involving the same subject matter if the deposition either was taken under these rules or if, although not so taken, it would be admissible in under Nevada law of evidence in the courts of this state, it may be used in any action involving the same subject matter subsequently brought in a district court, in accordance with the provisions of Rule 32(a).~~

(b) Pending Appeal. ~~If~~

(1) In General. ~~The court where a judgment has been rendered may, if an appeal has been taken from a judgment of a district court or before the taking of an appeal if the time therefor has not expired, the district court in which the~~

~~judgment was rendered may allow the taking of the depositions or~~ may still be taken, permit a party to depose witnesses to perpetuate their testimony for use in the event of further proceedings in the district that court. ~~In such case the~~

~~(2) Motion. The party who desires wants to perpetuate the testimony may make a motion in the district court move for leave to take the depositions, upon the same notice and service thereof as if the action was were pending in the district court. The motion shall must show (1):~~

~~(A) the names name, address, and addresses of persons to be examined and the expected substance of the testimony which the party expects to elicit from each; (2) of each deponent; and~~

~~(B) the reasons for perpetuating their the testimony.~~

~~(3) Court Order. If the court finds that the perpetuation of perpetuating the testimony is proper to avoid may prevent a failure or delay of justice, it the court may make an order allowing permit the depositions to be taken and may make issue orders of the character provided for like those authorized by Rules 34 and 35, and thereupon the. The depositions may be taken and used in the same manner and under the same conditions as are prescribed in these rules for depositions taken in actions as any other deposition taken in a pending in the district court action.~~

(c) Reserved.

~~RULE 28. PERSONS BEFORE WHOM DEPOSITIONS MAY BE TAKEN~~

Rule 28. Persons Before Whom Depositions May Be Taken

(a) Within the United States.

~~(1) In General. Within the United States or within a territory or insular possession subject to the United States jurisdiction of the United States, depositions shall, a deposition must be taken before:~~

~~(A) an officer authorized to administer oaths either by federal law or by the laws of the United States or of law in the place where the of examination is held; or before~~

~~(B) a person appointed by the court in which where the action is pending. A person so appointed has power to administer oaths and take testimony. Upon proof that the notice to take a deposition outside the State of Nevada has been given as provided in these rules, the clerk shall issue a commission or a letter of request (whether or not captioned a letter rogatory) in the form prescribed by the jurisdiction in which the deposition is to be taken, such form to be presented by the party seeking the deposition. Any error in the form or in the commission or letters is waived unless objection thereto be filed and served on or before the time fixed in the notice.~~

~~(2) Definition of "Officer." The term "officer" as used "officer" in RuleRules 30, 31, and 32 includes a person appointed by the court under this rule or designated by the parties under Rule 29-(a).~~

~~(b) In a Foreign Countries. Depositions Country.~~

~~(1) In General. A deposition may be taken in a foreign country (1) pursuant to any;~~

~~(A) under an applicable treaty or convention; or (2) pursuant to~~

~~(B) under a letter of request (whether or not captioned a "letter rogatory); or (3) rogatory";~~

~~(C) on notice, before a person authorized to administer oaths either by federal law or by the law in the place where the of examination is held, either by the law thereof or by the law of the United States; or (4); or~~

~~(D) before a person commissioned by the court, and a person so~~

~~commissioned shall have the power by virtue of the commission to administer any necessary oath and take testimony. A commission~~

(2) Issuing a Letter of Request or a Commission. A letter of request shall, a commission, or both may be issued:

(A) on appropriate terms after an application and notice and on terms that are just and appropriate. It is not requisite to the issuance of it; and

(B) without a commission or a letter of request showing that the taking of the deposition in any other another manner is impracticable or inconvenient; and both a commission and a letter of request may be issued in proper cases. A notice or commission may designate the person before whom the deposition is to be taken either by name or descriptive title. A letter of request may be addressed "To the Appropriate Authority in {here name the country}."

(3) Form of a Request, Notice, or Commission. When a letter of request or any other device is used pursuant according to any applicable a treaty or convention, it shall must be captioned in the form prescribed by that treaty or convention. A letter of request may be addressed "To the Appropriate Authority in [name of country]." A deposition notice or a commission must designate by name or descriptive title the person before whom the deposition is to be taken.

(4) Letter of Request—Admitting Evidence. Evidence obtained in response to a letter of request need not be excluded merely for the reason that because it is not a verbatim transcript, because the testimony was not taken under oath, or because of any similar departure from the requirements for depositions taken within the United States under these rules Nevada.

(c) Disqualification for Interest. No. A deposition shall must not be taken before a person who is a any party's relative or, employee, or attorney or counsel of any of the parties, or is a relative or employee of such; who is related to or employed by any party's attorney; or counsel, or who is financially interested in the action.

RULE 29. STIPULATIONS REGARDING DISCOVERY PROCEDURE

Rule 29. Stipulations About Discovery Procedure

Unless otherwise directed by the court orders otherwise, the parties may by written stipulation (1) provide stipulate that depositions:

(a) a deposition may be taken before any person, at any time or place, upon any notice, and in any the manner and when so taken specified—in which event it may be used like in the same way as any other depositions, deposition; and (2) modify the

(b) other procedures governing or limitations placed upon limiting discovery, except that stipulations be modified—but a stipulation extending the time provided in Rules 33, 34, and 36 for responses to any form of discovery may, must have court approval if they it would interfere with any the time set for completion of completing discovery, for hearing of a motion, or for trial, be made only with the approval of the court.

RULE Rule 30. DEPOSITIONS BY ORAL EXAMINATION

(a) When Depositions by Oral Examination

(a) When a Deposition May Be Taken; When Leave Required.

(1) Without Leave. A party may take the testimony of, by oral questions, depose any person, including a party, by deposition upon oral examination without leave of court except as provided in subdivision Rule 30(a)(2) of this rule. The deponent's attendance of witnesses may be compelled by subpoena as provided in under Rule 45.

(2) With Leave. A party must obtain leave of court, which shall be granted and the court must grant leave to the extent consistent with the principles stated in Rule 26(b)(1) and (2);

(A) if the person parties have not stipulated to be examined is confined in prison the deposition and:

~~(i) the deposition would result in more than 10 depositions being taken under this rule or if, without the written stipulation of Rule 31 by the parties:~~

~~(A) plaintiffs, or by the person to be examined defendants, or by the third-party defendants;~~

~~(ii) the deponent has already has been deposed in the case;~~
or

~~(B) a (iii) the party seeks to take a the deposition before the time specified in Rule 26(a), unless the party certifies in the notice contains a certification, with supporting facts, that the person to be examined deponent is expected to leave the state Nevada and be unavailable for examination in this the state unless deposed before after that time; or~~

~~(B) if the deponent is confined in prison.~~

~~(b) Notice of Examination: General the Deposition; Other Formal Requirements; Special Notice; Method of Production of Documents and Things; Deposition of Organization; Deposition by Telephone.~~

~~(1) Notice in General. A party desiring who wants to take the deposition of any depose a person upon by oral examination shall questions must give reasonable notice, not less than 15-14 days, in writing written notice to every other party to the action. The notice shall must state the time and place for taking of the deposition and, if known, the deponent's name and address of each person to be examined, if known, and, if the. If the name is not known, unknown, the notice must provide a general description sufficient to identify the person or the particular class or group to which the person belongs. If a subpoena duces tecum is to be served on the person to be examined, the designation of the materials to be produced as set forth in the subpoena shall be attached to or included in the notice.~~

~~(2) The party taking the deposition shall Producing Documents. If a subpoena duces tecum is to be served on the deponent, the materials designated for~~

production, as set out in the subpoena, must be listed in the notice or in an attachment. The notice to a party deponent may be accompanied by a request under Rule 34 to produce documents and tangible things at the deposition.

(3) Method of Recording.

(A) Method Stated in the Notice. The party who notices the deposition must state in the notice the method by which for recording the testimony shall be recorded. Unless the court orders otherwise, it testimony may be recorded by sound, sound-and-visual audio, audiovisual, or stenographic means, and the. The noticing party taking the deposition shall bear the cost of bears the recording costs. Any party may arrange for a transcription to be made from the recording of to transcribe a deposition taken by nonstenographic means.

(3)

(B) Additional Method. With 5 days' prior notice to the deponent and other parties, any party may designate another method to record for recording the deponent's testimony in addition to the method that specified by the person taking in the deposition. The original notice. That party bears the expense of the additional record or transcript shall be made at that party's expense unless the court orders otherwise orders.

(4)

(4) By Remote Means. The parties may stipulate—or the court may on motion order—that a deposition be taken by telephone or other remote means. For the purpose of this rule and Rules 28(a), 37(a)(2), and 37(b)(1), the deposition takes place where the deponent answers the questions.

(5) Officer's Duties.

(A) Before the Deposition. Unless the parties stipulate otherwise agreed by the parties, a deposition shall must be conducted before an officer appointed or designated under Rule 28—and shall. The officer must begin the

~~deposition with a an on-the-record statement on the record by the officer that includes (A):~~

- ~~_____ (i) the officer's name and business address; (B)~~
- ~~_____ (ii) the date, time, and place of the deposition; (C)~~
- ~~_____ (iii) the deponent's name of;~~
- ~~_____ (iv) the deponent; (D) the officer's administration of the oath or affirmation to the deponent; and (E) an identification~~
- ~~_____ (v) the identity of all persons present.~~

~~_____ (B) Conducting the Deposition; Avoiding Distortion. If the deposition is recorded other than stenographically nonstenographically, the officer shall must repeat the items (A) through (C) in Rule 30(b)(5)(A)(i)–(iii) at the beginning of each unit of recorded tape or other the recording medium. The deponent's and attorneys' appearance or demeanor of deponents or attorneys shall must not be distorted through camera or sound-recording techniques.~~

~~_____ (C) After the Deposition. At the end of the a deposition, the officer shall must state on the record that the deposition is complete and shall must set forth out any stipulations made by counsel concerning the attorneys about custody of the transcript or recording and of the exhibits, or concerning about any other pertinent matters.~~

~~_____ (5) The notice to a party deponent may be accompanied by a request made in compliance with Rule 34 for the production of documents and tangible things at the taking of the deposition. The procedure of Rule 34 shall apply to the request.~~

~~(6) A party may in the party's Notice or Subpoena Directed to an Organization. In its notice and in a or subpoena, a party may name as the deponent a public or private corporation or, a partnership or, an association or, a governmental agency, or other entity and must describe with reasonable particularity the matters on which for examination is requested. In that event, the. The named organization so named shall must then designate one or more officers, directors, or managing~~

agents, or designate other persons who consent to testify on its behalf; and it may set forth, for each person designated, out the matters on which the each person designated will testify. A subpoena shall advise a nonparty organization of its duty to make such a this designation. The persons ~~so~~ designated shall testify as ~~to matters about information~~ known or reasonably available to the organization. This ~~subdivision~~ Rule 30(b)(6) does not preclude taking a deposition by any other procedure ~~authorized in~~ allowed by these rules.

~~(7) The parties may stipulate, or the court may upon noticed motion order that a deposition be taken by telephone or other remote electronic means. For the purpose of these rules, a deposition taken by telephone is taken at the place where the deponent is to answer the questions propounded. Unless otherwise stipulated by the parties: (A) the party taking the deposition shall arrange for the presence of the officer before whom the deposition will take place; (B) the officer shall be physically present at the place of the deposition; and (C) the party taking the deposition shall make the necessary telephone connections at the time scheduled for the deposition. Nothing in this paragraph shall prevent a party from being physically present at the place of the deposition, at the party's own expense.~~

(c) Examination and Cross-Examination; Record of the Examination; Oath; Objections; Written Questions.

~~(1) Examination and Cross-Examination. The examination and cross-examination of witnesses may a deponent proceed as permitted they would at the trial under the provisions Nevada law of Rule 43(b). The officer before whom the deposition is to be taken shall put the witness on evidence, except NRS 47.040-NRS 47.080 and NRS 50.155. After putting the deponent under oath or affirmation and shall personally, or by someone acting under the officer's direction and in the officer's presence, the officer must record the testimony of the witness by the method designated under Rule 30(b)(3)(A). The testimony shall be taken stenographically or~~

must be recorded by the officer personally or by a person acting in the presence and under the direction of the officer.

(2) Objections. An objection at the time of the examination—whether to evidence, to a party’s conduct, to the officer’s qualifications, to the manner of taking the deposition, or to any other meansaspect of the deposition—must be noted on the record, but the examination still proceeds; the testimony is taken subject to any objection. An objection must be stated concisely in a nonargumentative and nonsuggestive manner. A person may instruct a deponent not to answer only when necessary to preserve a privilege, to enforce a limitation ordered in accordance with subdivision (b)(2) of this rule. All objections made at the time of the examination to the qualifications of the officer taking the deposition, to the manner of taking it, to the evidence presented, to the conduct of any party, or to any other aspect of the proceedings, shall be noted by the officer upon the record of the deposition; but the examination shall proceed, with the testimony being taken subject to the objections. In lieu by the court, or to present a motion under Rule 30(d)(3).

(3) Participating Through Written Questions. Instead of participating in the oral examination, partiesa party may serve written questions in a sealed envelope on the party takingnoticing the deposition and the party taking the deposition shall transmit, who must deliver them to the officer, who shall propound them to the witness. The officer must ask the deponent those questions and record the answers verbatim.

(d) Duration; Sanction; Motion to Terminate or Limit.

(1) Duration. Unless otherwise stipulated or ordered by the court, a deposition is limited to 1 day of 7 hours: of testimony. The court or discovery commissioner must allow additional time consistent with Rule 26(b)(1) and (2) if needed to fairly examine the deponent or if the deponent, another person, or any other circumstance impedes or delays the examination. ~~An objection must be stated concisely and in a non-argumentative and non-suggestive manner. Instructing a~~

~~deponent not to answer shall only be allowed when necessary to preserve a privilege, to enforce a limitation directed by the court, or to file a motion under paragraph (3).~~

(2) **Sanction.** The court may impose an appropriate sanction—including the reasonable expenses and attorney’s fees incurred by any party—on a person who impedes, delays, or frustrates the fair examination of the deponent.

(3) **Motion to Terminate or Limit.**

(A) ~~Grounds and Procedure.~~ At any time during a deposition, the deponent or a party may move to terminate or limit it on the ~~grounds~~ground that it is being conducted in bad faith or in a manner that unreasonably annoys, embarrasses, or oppresses the deponent or party. The motion may be filed in the court where the action is pending or, if the ~~action is pending~~deposition is being conducted under an out-of-the-state subpoena, where the deposition is being taken. If the objecting deponent or party so demands, the deposition must be suspended for the time necessary to obtain an order.

(B) **Order.** The court may order that the deposition be terminated or may limit its scope and manner as provided in Rule 26(c). If terminated, the deposition may be resumed only by order of the court where the action is pending.

(C) **Award of Expenses.** Rule 37(a)(45) applies to the award of ~~expenses incurred in relation to the motion.~~

(e) ~~Review by the Witness; Changes; Signing.~~ If requested,

~~(1) Review; Statement of Changes.~~ On request by the deponent or a party before ~~completion of the deposition is completed~~, the deponent ~~shall have~~must be allowed 30 days after being notified by the officer that the transcript or recording is available in which:

~~(A) to review the transcript or recording; and,~~

~~(B) if there are changes in form or substance, to sign a statement reciting such listing the changes and the reasons given by the deponent for making them.~~

(2) Changes Indicated in the Officer's Certificate. The officer shall ~~indicate~~must note in the certificate prescribed by ~~subdivision Rule 30(f)(1)~~ whether ~~any~~ review was requested and, if so, ~~shall append~~must attach any changes made by the deponent makes during the 30-day period ~~allowed~~.

(f) Certification by Officer and Delivery; Exhibits; Copies of the Transcript or Recording; Filing.

(1) Certification and Delivery. The officer ~~shall~~must certify ~~on the deposition in writing~~ that the witness was duly sworn by the officer and that the deposition is a true record of accurately records the witness's testimony given by the witness. ~~This.~~ The certificate shall be in writing and must accompany the record of the deposition. Unless the court orders otherwise ordered by the court, the officer shall ~~securely~~must seal the deposition in an envelope ~~indorsed with or~~ package bearing the title of the action and marked "Deposition of {here insert [witness's name of witness]}]" and shall must promptly send it to the party attorney who arranged for the transcript or recording, ~~who shall.~~ The attorney must store it under conditions that will protect it against loss, destruction, tampering, or deterioration.

(2) Documents and Tangible Things.

(A) Originals and Copies. Documents and tangible things produced for inspection during the examination of the witness, shall, upon the request of a party a deposition must, on a party's request, be marked for identification and annexed attached to and returned with the deposition, and may be inspected and copied by any. Any party, except that may inspect and copy them. But if the person producing the materials ~~desires who produced them wants to retain them~~ keep the originals, the person may ~~(A):~~

(i) offer copies to be marked for identification and annexed, attached to the deposition, and to serve thereafter then used as originals if the person affords to after giving all parties a fair opportunity to verify the copies by

~~comparison~~comparing them with the originals, or (B) offer the originals to be marked for identification, after giving to each party an; or

~~_____~~ (ii) give all parties a fair opportunity to inspect and copy them, ~~the originals after they are marked~~—in which event the ~~materials~~originals may then be used in the same manner as if ~~annexed~~attached to the deposition.

~~_____~~ (B) **Order Regarding the Originals.** Any party may move for an order that the ~~original~~originals be ~~annexed~~attached to and returned with the deposition to the court, pending final disposition of the case.

~~_____~~ (2) ~~_____~~ (3) **Copies of the Transcript or Recording.** Unless otherwise stipulated or ordered by the court or agreed by the parties, the officer ~~shall~~must retain the stenographic notes of ~~anya~~ deposition taken stenographically or a copy of the recording of ~~anya~~ deposition taken by another method. Upon payment of When paid reasonable charges therefor, the officer ~~shall~~must furnish a copy of the transcript or recording to any party or the deponent.

~~_____~~ (4) **Notice of Filing.** A party who files the deposition to any party or to the deponent must promptly notify all other parties of the filing.

(g) Failure to Attend a Deposition or to Serve a Subpoena; Expenses.

~~_____~~ (1) If the A party giving the notice of the taking of ~~who~~, expecting a deposition fails to attend and proceed therewith and another party to be taken, attends in person or by attorney pursuant to the notice, the court shall order the party giving the notice to pay to such other party the an attorney may recover reasonable expenses incurred by that party and that party's attorney in for attending, including reasonable attorney's fees, unless good cause be shown. if the noticing party failed to:

~~_____~~ (2) If the party giving the notice of the taking of a deposition of a witness fails to serve a subpoena upon the witness and the witness because of such failure does not attend, and if another party attends in person or by attorney because that party expects the deposition of that witness to be taken, the court shall order the

~~party giving the notice to pay such other party the reasonable expenses incurred by that party and that party's attorney in attending, including reasonable attorney's fees, unless good cause be shown.~~

~~(1) attend and proceed with the deposition; or~~

~~(2) serve a subpoena on a nonparty deponent, who consequently did not attend.~~

(h) Expert Witness Fees.

(1) In General.

~~(A) A party desiring to depose any expert who is to be asked to express an opinion, shall~~must ~~pay the reasonable and customary hourly or daily fee for the actual time consumed in the examination of that expert by the party noticing the deposition.~~

~~(B) If any other attending party desires to question the witness, that party shall be~~is ~~responsible for the expert's fee for the actual time consumed in that party's examination.~~

(2) Advance Request; Balance Due.

~~(A) If requested by the expert before the date of the deposition, the party taking the deposition of an expert shall~~must ~~tender the expert's fee based on the anticipated length of that party's examination of the witness.~~

~~(B) If the deposition of the expert takes longer than anticipated, any party responsible for any additional fee shall~~must ~~pay the balance of that expert's fee within 30 days of receipt of a statement~~an invoice ~~from the expert. Any party identifying an expert whom that party expects to call at trial is responsible for any fee charged by the expert for preparing for and reviewing the deposition.~~

~~(2) If a party desiring~~3) Preparation; Review of Transcript. Any party identifying an expert whom the party expects to takecall at trial is responsible for any fee charged by the expert for preparing for the deposition of an expert witness pursuant to this subdivision and reviewing the deposition transcript.

(4) Objections.

(A) Motion; Contents; Notice. If a party deems that the expert's hourly or daily fee of that expert for providing deposition testimony is unreasonable, that party may move for an order setting the compensation of that expert. This motion ~~shall~~must be accompanied by an affidavit stating facts showing a reasonable and good faith attempt at an informal resolution of any issue presented by the motion. Notice of this motion ~~shall~~must be given to the expert. ~~The~~

(B) Court Determination of Expert Fee. If the court ~~shall~~determines that the fee demanded by the expert is unreasonable, the court must set the fee of the expert for providing deposition testimony ~~if it determines that the fee demanded by that expert is unreasonable.~~

(C) Sanctions. The court may impose a sanction pursuant ~~to~~under Rule 37 against any party who does not prevail, and in favor of any party who does prevail, on a motion to set expert witness fee, ~~providing~~provided the prevailing party has engaged in a reasonable and good faith attempt at an informal resolution of any issues presented by the motion.

RULE Rule 31. DEPOSITIONS UPON WRITTEN QUESTIONS

~~(a) Serving~~Depositions by Written Questions; Notice.

(a) When a Deposition May Be Taken.

(1) Without Leave. A party may ~~take the testimony of, by written questions, depose~~ any person, including a party, ~~by deposition upon written questions without leave of court except as provided in paragraph (Rule 31(a)(2)).~~ The ~~deponent's attendance of witnesses may be compelled by the use of subpoena as provided in under~~ Rule 45.

(2) With Leave. A party must obtain leave of court, which ~~shall be granted and the court must grant leave to the extent consistent with the principles stated in Rule 26(b)(1) and (2).~~);

~~(A) if the person to be examined is confined in prison or if, without the written stipulation of the parties, have not stipulated to the deposition and:~~

~~(A) (i) the deposition would result in more than 10 depositions being taken under this rule or Rule 30 by the plaintiffs, or by the defendants, or by the person to be examined third-party defendants;~~

~~(ii) the deponent has already been deposed in the case; or~~

~~(B) a (iii) the party seeks to take a deposition before the time specified in Rule 26(a-); or~~

~~(B) if the deponent is confined in prison.~~

~~(3) **Service; Required Notice.** A party desiring who wants to take depose a deposition upon person by written questions shall must serve them upon every other party, with a notice stating (1), if known, the deponent's name and address of the person who is to answer them, if known, and if the. If the name is not known, unknown, the notice must provide a general description sufficient to identify the person or the particular class or group to which the person belongs, and (2). The notice must also state the name or descriptive title and the address of the officer before whom the deposition is to will be taken. A deposition upon written questions may be taken of a public or private corporation or a partnership or association or governmental agency in accordance with the provisions of Rule 30(b)(6).~~

~~(4) Within 14 days after the notice and **Questions Directed to an Organization.** A public or private corporation, a partnership, an association, or a governmental agency may be deposed by written questions are served, a party may serve cross in accordance with Rule 30(b)(6).~~

~~(5) **Questions from Other Parties.** Any questions upon all to the deponent from other parties. Within must be served on all parties as follows: cross-questions, within 14 days after being served with the notice and direct questions; redirect questions, within 7 days after being served with cross-questions, a party~~

~~may serve redirect; and recross questions upon all other parties. Within, within 7 days after being served with redirect questions, a party may serve recross questions upon all other parties. The court may, for good cause shown enlarge, extend or shorten the timethese times.~~

~~(b) **Delivery to the Officer to Take Responses and Prepare Record.** A copy of the notice and copies of all questions served shall be delivered by the party taking; **Officer's Duties.** The party who noticed the deposition must deliver to the officer designated in a copy of all the questions served and of the notice, who shall. The officer must promptly proceed promptly, in the manner provided by in Rule 30(c), (e), and (f); to:~~

~~_____ (1) take the deponent's testimony of the witness in response to the questions and to;~~

~~_____ (2) prepare, and certify, and file or mail the deposition; and~~

~~_____ (3) send it to the party, attaching thereto thea copy of the questions and of the notice and the questions received by.~~

~~(c) **Notice of Completion or Filing.**~~

~~_____ (1) **Completion.** The party who noticed the deposition must notify all other parties when it is completed.~~

~~_____ (2) **Filing.** A party who files the officer deposition must promptly notify all other parties of the filing.~~

~~RULE~~**Rule 32. USE OF DEPOSITIONS IN COURT PROCEEDINGS**

~~_____ (a) **Use of Using Depositions, in Court Proceedings**~~

~~_____ (a) **Using Depositions.**~~

~~_____ (1) **In General.** At the trial or upon the a hearing of a motion or trial, all or an interlocutory proceeding, any part or all of a deposition, so far as admissible under the rules of evidence applied as though the witness were then present and testifying, may be used against anya party whoon these conditions:~~

~~(A) the party was present or represented at the taking of the deposition or who had reasonable notice thereof, in accordance with any of the following provisions:~~of it:

~~(1) (B) it is used to the extent it would be admissible under Nevada law of evidence if the deponent were present and testifying; and~~

~~(C) the use is allowed by Rule 32(a)(2) through (8).~~

~~(2) Impeachment and Other Uses. Any party may use a deposition may be used by any party for the purpose of contradictingto contradict or impeachingimpeach the testimony ofgiven by the deponent as a witness, or for any other purpose permittedallowed by the Nevada Ruleslaw of evidence.~~

~~(3) Deposition of Evidence, NRS Chapters 47-56.~~

~~(2) The Party, Agent, or Designee. An adverse party may use for any purpose the deposition of a party or of anyone who at the time of taking the deposition, when deposed, was anthe party's officer, director, or managing agent, or a person designateddesignee under Rule 30(b)(6) or 31(a) to testify on behalf of a public or private corporation, partnership or association or governmental agency which is a party may be used by an adverse party)(4).~~

~~(4) Unavailable Witness. A party may use for any purpose.~~

~~(3) The the deposition of a witness, whether or not a party, may be used by any party for any purpose if the court finds:~~

~~(A) that the witness is dead; or~~

~~(B) that the witness is at a greater distancemore than 100 miles from the place of hearing or trial or hearing, or is out of the state, unless it appears that the witness's absence of the witness was procured by the party offering the deposition; or~~

~~(C) that the witness is unable tocannot attend or testify because of age, illness, infirmity, or imprisonment; or~~

~~(D) that the party offering the deposition has been unable tocould~~

not procure the witness's attendance of the witness by subpoena; or

(E) upon application on motion and notice, that such exceptional circumstances exist as to make it desirable, in the interest of justice and with due regard to the importance of presenting the live testimony of witnesses orally in open court, to allow to permit the deposition to be used.

(5) Experts. Notwithstanding Rule 32(a)(4), a party may use for any purpose the deposition to be used.

(4) If only part of a deposition of a retained or non-retained expert witness even though the deponent is offered available to testify, unless otherwise ordered by the court.

(6) Limitations on Use.

(A) Deposition Taken on Short Notice. A deposition must not be used against a party who, having received less than 14 days' notice of the deposition, promptly moved for a protective order under Rule 26(c)(1)(B) requesting that it not be taken or be taken at a different time or place—and this motion was still pending when the deposition was taken.

(B) Unavailable Deponent; Party Could Not Obtain an Attorney.

(i) A deposition taken without leave of court under the unavailability provision of Rule 30(a)(2)(A)(iii) must not be used against a party who shows that, when served with the notice, it could not, despite diligent efforts, obtain an attorney to represent it at the deposition.

(ii) Notwithstanding Rule 32(a)(6)(B)(i), the court may permit a deposition to be used against a party who proceeds pro se after the deposition.

(7) Using Part of a Deposition. If a party offers in evidence by only part of a party deposition, an adverse party may require the offeror to introduce any other part which ought parts that in fairness to should be considered with the part

introduced, and any party may itself introduce any other parts.

~~Substitution of parties pursuant to~~ **(8) Substituting** ~~a~~
Party. Substituting a party under Rule 25 does not affect the right to use
depositions a deposition previously taken; and, when an action has been brought,

~~(9) Deposition Taken in any court of the United States or in any State~~
~~and another an Earlier Action.~~ **(9) Deposition Taken in** A deposition lawfully taken and, if required, filed
in any federal- or state-court action may be used in a later action involving the same
subject matter is afterward brought between the same parties, or their
representatives or successors in interest, all depositions lawfully to the same extent
as if taken in the former later action may be used in the latter as if originally taken
therefor. A deposition previously taken may also be used as permitted by the Nevada
Rules of Evidence, NRS Chapters 47-56, allowed by Nevada law of evidence.

(b) Objections to Admissibility. ~~Subject to the provisions of Rule Rules~~
~~28(b) and subdivision 32(d)(3) of this rule,)~~ an objection may be made at the trial
or a hearing or trial to receiving in evidence the admission of any deposition or part
thereof for any reason which testimony that would require the exclusion of the
evidence be inadmissible if the witness were then present and testifying.

(c) Form of Presentation. ~~Except as otherwise directed by the court, a party~~
~~offering deposition testimony pursuant to this rule may offer it in stenographic or~~
~~nonstenographic form, but, if in nonstenographic form, the party shall also provide~~
~~the court with~~ Unless the court orders otherwise, a party must provide a transcript
of the portions so offered. On request of any party in a case tried before a jury,
deposition testimony offered the party offers, but may provide the court with the
testimony in nontranscript form as well. On any party's request, deposition
testimony offered in a jury trial for any purpose other than for impeachment
purposes shall must be presented in nonstenographic nontranscript form, if available,
unless the court for good cause orders otherwise.

(d) Effect Waiver of Errors and Irregularities in

DepositionsObjections.

~~(1) As to~~To the Notice. ~~All errors and irregularities in the notice for taking~~An objection to an error or irregularity in a deposition are~~notice is waived unless written objection is promptly served upon~~in writing on the party giving the notice.

~~_____ (2) As to Disqualification of Officer.~~ ~~Objection to taking a deposition because of~~ (2) To the Officer's Qualification. ~~An objection based on disqualification of the officer before whom it a deposition is to be taken is waived unless~~if not made:

~~_____ (A) before the taking of the deposition begins; or as soon thereafter as~~

~~_____ (B) promptly after the basis for disqualification becomes known or could be discovered, with reasonable diligence, could have been known.~~

~~(3) As to~~To the Taking of the Deposition.

~~_____ (A) Objections to the competency of a witness or to the competency, relevaney~~ (A) Objection to Competence, Relevance, or

~~Materiality. An objection to a deponent's competence—or to the competence, relevance, or materiality of testimony—are~~is not waived by a failure to make them~~the objection before or during the taking of the deposition, unless the ground of the objection is one which for it might have been obviated or removed if presented~~corrected at that time.

~~_____ (B) Errors and irregularities occurring~~ (B) Objection to an Error or Irregularity. ~~An objection to an error or irregularity at thean oral examination inis waived if:~~

~~_____ (i) it relates to the manner of taking the deposition, in the form of the questionsa question or answers, inanswer, the oath or affirmation, or in thea party's conduct of parties, and errors of any kind which might be obviated, removed, or cured if promptly presented, are waived unless seasonable objection~~

~~thereto is made at the taking of the deposition, or other matters that might have been corrected at that time; and~~

~~(ii) it is not timely made during the deposition.~~

~~(C) Objections~~**Objection to a Written Question.** ~~An objection to the form of a written questions submitted question under Rule 31 areis waived unlessif not served in writing uponon the party propounding themsubmitting the question within the time allowed for serving the succeeding cross or otherresponsive questions andor, if the question is a recross-question, within 57 days after service of the last questions authorizedbeing served with it.~~

~~(4) As to Completion~~**To Completing and Return of Returning the Deposition.** ~~Errors and irregularities in the manner in whichAn objection to how the testimony isofficer transcribed the testimony or the deposition is prepared, signed, certified, sealed, indorsed, transmitted, filedendorsed, sent, or otherwise dealt with by the officer under Rules 30 and 31 arethe deposition is waived unless a motion to suppress the deposition or some part thereof is made promptly after the error or irregularity becomes known or, with reasonable promptness after such defect is, or with due diligence might, could have been, ascertained known.~~

~~RULE~~**Rule 33. INTERROGATORIES TO PARTIES**~~Interrogatories to Parties~~

~~(a) Availability. Without leave of court~~**In General.**

~~(1) Number. Unless otherwise stipulated or written stipulation, any ordered by the court, a party may serve uponon any other party no more than 40 written interrogatories, not exceeding 40 in number including all discrete subparts, to be answered by the party served or, if the party served is a public or private corporation or a partnership or association or governmental agency, by any officer or agent, who shall furnish such information as is available to the party. Leave to serve additional interrogatories shallmay be granted to the extent consistent with the~~

~~principles of Rule 26(b)(1) and (2). Without leave of court or written stipulation, interrogatories may not be served before the time specified in~~

~~(2) **Scope.** An interrogatory may relate to any matter that may be inquired into under Rule 26(a).b). An interrogatory is not objectionable merely because it asks for an opinion or contention that relates to fact or the application of law to fact, but the court may order that the interrogatory need not be answered until designated discovery is complete, or until a pretrial conference or some other time.~~

(b) Answers and Objections.

~~(1) Each interrogatory shall be answered separately and fully in writing under oath, unless it is objected to, in which event the objecting party shall state the reasons for objection and shall answer to the extent the interrogatory is not objectionable. The answers shall first set forth each interrogatory asked, followed by the answer or response of the party.~~

~~(2) The answers are to be signed by the person making them, and the objections signed by the attorney making them.~~

~~(3) The party upon whom the interrogatories have been served shall serve a copy of the answers, and objections if any,~~

~~(1) **Responding Party.** The interrogatories must be answered:~~

~~(A) by the party to whom they are directed; or~~

~~(B) if that party is a public or private corporation, a partnership, an association, or a governmental agency, by any officer or agent, who must furnish the information available to the party.~~

~~(2) **Time to Respond.** The responding party must serve its answers and any objections within 30 days after the service of being served with the interrogatories. A shorter or longer time may be directed stipulated to under Rule 29 or be ordered by the court or in the absence of such an order, agreed to in writing by the parties subject to Rule 29.~~

(3) Answering Each Interrogatory. Each interrogatory must be set out, and, to the extent it is not objected to, be answered separately and fully in writing under oath.

~~(4) All Objections.~~ The grounds for objecting to an objection to an interrogatory ~~shall~~must be stated with specificity. Any ground not stated in a timely objection is waived unless the ~~party's failure to object is excused by the court, for~~ good cause ~~shown.~~

~~(5), excuses the failure.~~ The party submitting the interrogatories may move for an order under Rule 37(a) with respect to any objection to or other failure to answer an interrogatory.

~~(e) Scope; Use at Trial.~~ Interrogatories may relate to any matters which can be inquired into under Rule 26(b). (5) Signature. The person who makes the answers must sign them, and the answers attorney who objects must sign any objections.

(c) Use. An answer to an interrogatory may be used to the extent permitted ~~allowed~~ by the rules Nevada law of evidence.

~~An interrogatory otherwise proper is not necessarily objectionable merely because an answer to the interrogatory involves an opinion or contention that relates to fact or the application of law to fact, but the court may order that such an interrogatory need not be answered until after designated discovery has been completed or until a pretrial conference or other later time.~~

(d) Option to Produce Business Records. ~~Where~~If the answer to an interrogatory may be derived or ascertained from the determined by examining, auditing, compiling, abstracting, or summarizing a party's business records of the party upon whom the interrogatory has been served or from an examination, audit or inspection of such business records, (including a compilation, abstract or summary thereof, and electronically stored information), and if the burden of deriving or ascertaining the answer is will be substantially the same for either party, the

~~responding party serving the interrogatory as for the party served, it is a sufficient
may answer to such interrogatory to specify the records from which the answer may
be derived or ascertained and to afford to the party serving the interrogatory
reasonable opportunity to examine, audit or inspect such records and to make copies,
compilations, abstracts or summaries. A specification shall be by:~~

~~_____ (1) specifying the records that must be reviewed, in sufficient detail to
permissible the interrogating party to locate and to identify, them as readily as can
the responding party served, could; and~~

~~_____ (2) giving the interrogating party a reasonable opportunity to examine
and audit the records from which the and to make copies, compilations, abstracts, or
summaries.~~

~~RULE 34. PRODUCING DOCUMENTS, ELECTRONICALLY STORED
INFORMATION, AND TANGIBLE THINGS, OR ENTERING ONTO LAND,
FOR INSPECTION AND OTHER PURPOSES~~

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

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

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

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

(B) any designated tangible things; or

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

(b) Procedure.

(1) Contents of the Request. The request:

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

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

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

(2) Responses and Objections.

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

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

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

(D) Responding to Request for Production of Electronically

Stored Information. The response may state an objection to a requested form for producing electronically stored information. If the responding party objects to a requested form—or if no form was specified in the request—the party must state the form or forms it intends to use.

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

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

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

(iii) ~~A~~ party need not produce the same electronically stored information in more than one form.

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

~~(d) Expenses of Copying. The Documents and/or Producing Electronically Stored Information. Unless the court orders otherwise, the party requesting that documents be copied production under this rule must pay the responding party the reasonable cost therefor and the court may, upon such terms as are just, direct the respondent of copying documents. If the responding party~~

produces electronically stored information by a media storage device, the requesting party must pay the reasonable cost of the device.

RULE 35. PHYSICAL AND MENTAL EXAMINATION OF PERSONS

Rule 35. Physical and Mental Examinations (ALTERNATE 1)

(a) Order for Examination. ~~When the~~

(1) In General. The court where the action is pending may order a party whose mental or physical condition ~~(including the blood group) of a party, or of a person in the custody or under the legal control of a party, is in controversy,~~ the court in which the action is pending may order the party to submit to a physical or mental examination by a suitably licensed or certified examiner ~~or.~~ The court has the same authority to order a party to produce for examination thea person who is in the party's custody or under the party's legal control.

(2) Motion and Notice; Contents of the Order.

(A) The order may be made only on motion for good cause shown and upon notice to all parties and the person to be examined; and to all parties and shall

(B) The order must specify the time, place, manner, conditions, and scope of the examination and the person or persons by whom it is to, as well as the person or persons who will perform it. The examination must take place in an appropriate professional setting and in the judicial district in which the case is pending, unless a different location is agreed to by the parties or ordered by the court.

(3) Recording the Examination. The party against whom the order was issued may, at that party's expense, have the examination audio recorded. The examiner may also have the examination audio recorded at his or her expense. If the party against whom the order is issued elects to audio record the examination, the party must advise the examiner of the recording prior to commencement of the examination. If the examiner elects to audio record the examination, the examiner

must advise of the recording prior to the examination. Any party may obtain a copy of any audio recording by making a written request for the recording.

(4) Observing the Examination. Unless otherwise ordered by the court or discovery commissioner for good cause, the party against whom the order was issued may have one observer present for the examination, except that the observer may not be made the party's attorney, or anyone employed by the party or the party's attorney. An observer must not in any way interfere, obstruct, or participate in the examination.

(b) Examiner's Report of Examiner.

(1) ~~If requested~~ Request by the Party or Person Examined. Unless otherwise ordered by the court or discovery commissioner for good cause, the party who moved for the examination must provide, upon a request by the party against whom ~~an~~ the examination order is made under Rule 35(a) was issued or by the person examined, the party causing the examination to be made shall deliver to the requesting party a copy of the detailed written report a copy of the examiner setting examiner's report within 30 days of the examination or by the date of the applicable expert disclosure deadline, whichever occurs first.

(2) Contents. The examiner's report must be in writing and must set out in detail the examiner's findings, including diagnoses, conclusions, and the results of all any tests made, diagnoses and conclusions, together with,

(3) Request by the Moving Party. After delivering the reports, the party who moved for the examination may request—and is entitled to receive—from the party against whom the examination order was issued like reports of all earlier or later examinations of the same condition. After delivery But those reports need not be delivered by the party causing with custody or control of the examination shall be entitled upon request to receive from person examined if the party against whom shows that it could not obtain them.

~~(4) **Waiver of Privilege.** By requesting and obtaining the order is made a like examiner's report of, or by depositing the examiner, the party examined waives any examination, previously or thereafter made, privilege it may have—in that action or any other action involving the same controversy,—concerning testimony about all examinations of the same condition, unless, in the case of a report of examination of a person not,~~

~~(5) **Failure to Deliver** a party, the party shows that the party is unable to obtain it. **Report.** The court on motion may make an order against—on just terms—that a party requiring delivery of a deliver the report on such terms as are just, and if an examiner fails or refuses to make a of an examination. If the report(s) is not provided, the court may exclude the examiner's testimony if offered at the trial.~~

~~(2) By requesting and obtaining a report of the examination so ordered or by taking the deposition of the examiner, the party examined waives any privilege the party may have in that action or any other involving the same controversy, regarding the testimony of every other person who has examined or may thereafter examine the party in respect of the same mental or physical condition.~~

~~(3) This—subdivision~~**(6) Scope.** Rule 35(b) applies also to an examinations made by the parties' agreement of the parties, unless the agreement expressly provides states otherwise. This subdivision Rule 35 does not preclude discovery of a obtaining an examiner's report of or depositing an examiner or the taking of a deposition of the examiner in accordance with the provisions of any under other rule rules.

~~RULE 35. PHYSICAL AND MENTAL EXAMINATION OF PERSONS~~

~~Rule 35. Physical and Mental Examinations (ALTERNATE 2)~~

~~(a) **Order for Examination.** When the mental or physical condition (including the blood group) of a party, or of a person in the custody or under the legal control of a party, is in controversy, the~~

(1) In General. The court in which where the action is pending may order the party a party whose mental or physical condition—including blood group—is in controversy to submit to a physical or mental examination by a suitably licensed or certified examiner or. The court has the same authority to order a party to produce for examination the a person who is in the party's custody or under the party's legal control.

(2) Motion and Notice; Contents of the Order.

(A) The order may be made only on motion for good cause shown and upon notice to all parties and the person to be examined; and to all parties and shall

(B) The order must specify the time, place, manner, conditions, and scope of the examination and, as well as the person or persons by whom who will perform it is to be made. The examination must take place in an appropriate professional setting in the judicial district in which the case is pending, unless otherwise agreed by the parties or ordered by the court.

(b) Report of Examiner.

(1) If requested by (3) Recording the Examination. The party against whom an order is made under Rule 35(a) or the person examined, the the order is being requested may seek a condition in the order, upon a showing of good cause, allowing that party causing to audio record the examination to be made shall deliver to the requesting party a copy of the detailed written report of the that that party's expense. The examiner setting out the examiner's findings, including results of all tests made, diagnoses and conclusions, together with like reports of all earlier examinations of the same condition. After delivery the party causing may also have the examination shall be entitled upon request to receive from audio recorded at his or her expense. If the party against whom the order is made a like report of any issued is allowed to audio record the examination, previously or thereafter made, of the same condition, unless, in the case of a report of examination of a person not a

~~party, the party shows that the party is unable to obtain it. The court on motion may make an order against a party requiring delivery of a report on such terms as are just, and if an examiner fails or refuses to make a report the court may exclude the examiner's testimony if offered at the trial.~~

~~_____ (2) By requesting and obtaining a report the party must advise the examiner of the recording prior to commencement of the examination so ordered or by taking the deposition of. If the examiner elects to audio record the examination, the examiner must advise of the recording prior to the examination. Any party may obtain a copy of any audio recording by making a written request for the recording.~~

~~_____ (4) **Observing the Examination.** The party against whom the order is being requested may seek a condition in the order, upon a showing of good cause, allowing that party to have one observer present for the examination, except that the observer may not be the party's attorney, or anyone employed by the party or the party's attorney. Such an observer must not in any way interfere, obstruct, or participate in the examination, and may only observe the examination, except as otherwise specified in the order. In the event the party against whom the order was issued is a minor, the minor is permitted to have a parent or legal guardian observe the examination without leave of court.~~

~~_____ (b) **Examiner's Report.**~~

~~_____ (1) **Request by the Party or Person Examined.** Unless otherwise ordered by the court or discovery commissioner for good cause, the party who moved for the examination must provide, upon a request by the party against whom the examination order was issued or by the person examined, a copy of the examiner's report within 30 days of the examination or by the date of the applicable expert disclosure deadline, whichever occurs first.~~

~~_____ (2) **Contents.** The examiner's report must be in writing and must set out in detail the examiner's findings, including diagnoses, conclusions, and the results of any tests.~~

(3) Request by the Moving Party. After delivering the reports, the party who moved for the examination may request—and is entitled to receive—from the party against whom the examination order was issued like reports of all earlier or later examinations of the same condition. But those reports need not be delivered by the party with custody or control of the person examined if the party shows that it could not obtain them.

(4) Waiver of Privilege. By requesting and obtaining the examiner's report, or by deposing the examiner, the party examined waives any privilege the party it may have—in that action or any other action involving the same controversy, regarding the testimony of every other person who has examined or may thereafter examine the party in respect of the same mental or physical condition.

~~(3) This subdivision applies to—concerning testimony about all examinations made by of the same condition.~~

(5) Failure to Deliver a Report. The court on motion may order—on just terms—that a party deliver the report of an examination. If the report(s) is not provided, the court may exclude the examiner's testimony at trial.

(6) Scope. Rule 35(b) applies also to an examination made by the parties' agreement of the parties, unless the agreement expressly provides states otherwise. This subdivision Rule 35 does not preclude discovery of obtaining an examiner's report or for deposing an examiner or the taking of a deposition of the examiner in accordance with the provisions of any under other rules.

RULE 35. PHYSICAL AND MENTAL EXAMINATION OF PERSONS

Rule 35. Physical and Mental Examinations (ALTERNATE 3)

(a) Order for Examination. When the mental or physical condition (including the blood group) of a party, or of a person in the custody or under the legal control of a party, is in controversy, the

(1) In General. The court in which where the action is pending may order the party a party whose mental or physical condition—including blood group—is in controversy to submit to a physical or mental examination by a suitably licensed or certified examiner or. The court has the same authority to order a party to produce for examination the a person who is in the party's custody or under the party's legal control.

(2) Motion and Notice; Contents of the Order.

(A) The order may be made only on motion for good cause shown and upon notice to all parties and the person to be examined; and to all parties and shall

(B) The order must specify the time, place, manner, conditions, and scope of the examination and, as well as the person or persons by whom who will perform it is to be made. The examination must take place in an appropriate professional setting in the judicial district in which the case is pending, unless otherwise agreed by the parties or ordered by the court.

(b) Report of Examiner.

(1) If requested by (3) Recording the Examination. The party against whom an the order is made under Rule 35(a) or the person examined, the party causing was issued may, at that party's expense, have the examination to be made shall deliver to the requesting party a copy of the detailed written report of the audio recorded. The examiner setting out the examiner's findings, including results of all tests made, diagnoses and conclusions, together with like reports of all earlier examinations of the same condition. After delivery the party causing may also have the examination shall be entitled upon request to receive from audio recorded at his or her expense. If the party against whom the order is made a like report of any issued is allowed to audio record the examination, previously or thereafter made, of the same condition, unless, in the case of a report of examination of a person not a party, the party shows that the party is unable to obtain it. The court on motion may

~~make an order against a party requiring delivery of a report on such terms as are just, and if an the party must advise the examiner fails or refuses to make a report the court may exelude the examiner's testimony if offered at the trial.~~

~~————— (2) By requesting and obtaining a report of the recording prior to commencement of the examination so ordered or by taking the deposition of. If the examiner elects to audio record the examination, the examiner must advise of the recording prior to the examination. Any party may obtain a copy of any audio recording by making a written request for the recording.~~

~~————— (4) **Observing the Examination.** The party against whom the order is being requested may seek a condition in the order, upon a showing of good cause, allowing that party to have one observer present for the examination, except that the observer may not be the party's attorney, or anyone employed by the party or the party's attorney. Such an observer must not in any way interfere, obstruct, or participate in the examination, and may only observe the examination, except as otherwise specified in the order. In the event the party against whom the order was issued is a minor, the minor is permitted to have a parent or legal guardian observe the examination without leave of court.~~

~~————— (b) **Examiner's Report.**~~

~~————— (1) **Request by the Party or Person Examined.** Unless otherwise ordered by the court or discovery commissioner for good cause, the party who moved for the examination must provide, upon a request by the party against whom the examination order was issued or by the person examined, a copy of the examiner's report within thirty days of the examination or by the date of the applicable expert disclosure deadline, whichever occurs first.~~

~~————— (2) **Contents.** The examiner's report must be in writing and must set out in detail the examiner's findings, including diagnoses, conclusions, and the results of any tests.~~

~~(3) Request by the Moving Party.~~ After delivering the reports, the party who moved for the examination may request—and is entitled to receive—from the party against whom the examination order was issued like reports of all earlier or later examinations of the same condition. But those reports need not be delivered by the party with custody or control of the person examined if the party shows that it could not obtain them.

~~(4) Waiver of Privilege.~~ By requesting and obtaining the examiner's report, or by deposing the examiner, the party examined waives any privilege the party it may have—in that action or any other action involving the same controversy, regarding the testimony of every other person who has examined or may thereafter examine the party in respect of the same mental or physical condition.

~~(3) This subdivision applies to—concerning testimony about all examinations made by of the same condition.~~

~~(5) Failure to Deliver a Report.~~ The court on motion may order—on just terms—that a party deliver the report of an examination. If the report(s) is not provided, the court may exclude the examiner's testimony at trial.

~~(6) Scope.~~ Rule 35(b) applies also to an examination made by the parties' agreement of the parties, unless the agreement expressly provides states otherwise. This subdivision Rule 35 does not preclude discovery of a obtaining an examiner's report or for deposing an examiner or the taking of a deposition of the examiner in accordance with the provisions of any under other rules.

~~RULE Rule 36. REQUESTS FOR ADMISSION~~

~~(a) Request Requests for Admission~~

~~(a) Scope and Procedure.~~

~~(1) Scope.~~ A party may serve upon any other party a written request for the admission to admit, for purposes of the pending action only, of the truth of any

~~matters within the scope of Rule 26(b) set forth in the request that relate to statements or opinions of fact or of~~(1) relating to:

~~_____~~ (A) ~~facts, the application of law to fact, including or opinions about either; and~~

~~_____~~ (B) ~~the genuineness of any documents described in the request. Copies of documents shall,~~

~~_____~~ (2) ~~Form; Copy of a Document. Each matter must be served with~~separately stated. A request to admit the genuineness of a document must be accompanied by a copy of ~~the request~~document unless they have it is, or has been or are, otherwise furnished or made available for inspection and copying. ~~Without leave of court or written stipulation, requests for admission may not be served before the time specified in Rule 26(a).~~

~~_____~~ Each matter of which an admission is requested shall be separately set forth.

~~The~~ (3) ~~Time to Respond; Effect of Not Responding. A matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the court may allow, or the parties may agree to in writing, subject to Rule 29~~being served, the party to whom the request is directed serves upon the party requesting the admission party a written answer or objection addressed to the matter, and signed by the party or by the party's attorney. A shorter or longer time for responding may be stipulated to under Rule 29 or be ordered by the court.

~~_____~~ (4) ~~Answer. If objection~~a matter is made not admitted, the reasons therefor shall be stated. The answer shall ~~must~~ specifically deny the matter it or set forth ~~state~~ in detail the reasons why the answering party cannot truthfully admit or deny the matter it. A denial shall ~~must~~ fairly meet ~~respond to~~ the substance of the requested admission, matter; and when good faith requires that a party qualify an answer or deny only a part of the a matter of which an admission is requested, the party shall, the answer must specify so much of it as is true the part admitted and qualify or deny the remainder. ~~An~~ rest. The answering party may not give ~~assert~~ lack

~~of knowledge or information or knowledge as a reason for failure~~ failing to admit or deny ~~unless only if the party states that the party it~~ has made reasonable inquiry and that the information ~~known it knows or can readily obtainable by the party obtain~~ is insufficient to enable the party ~~it~~ to admit or deny. A party who considers that a matter of which an admission has been requested

(5) Objections. The grounds for objecting to a request must be stated. A party must not object solely on the ground that the request presents a genuine issue for trial ~~may not, on that ground alone, object to the request; the party may, subject to the provisions of Rule 37(e), deny the matter or set forth reasons why the party cannot admit or deny it. The answer shall first set forth each request for admission made, followed by the answer or response of the party.~~

~~The party who has requested the admissions~~

(6) Motion Regarding the Sufficiency of an Answer or Objection. The requesting party may move to determine the sufficiency of the ~~answers an answer or objections objection~~. Unless the court determines that ~~finds~~ an objection is justified, it shall ~~must~~ order that an answer be served. If the court determines ~~On finding~~ that an answer does not comply with the requirements of this rule, it ~~the court~~ may order either that the matter is admitted or that an amended answer be served. The court may, in lieu of these orders, determine that ~~defer its final disposition of the request be made at decision until a pretrial conference or at a designated specified time prior to before trial. The provisions of Rule 37(a)(4) apply 5) applies to the an~~ award of expenses incurred in relation to the motion.

(7) Limitations on Number of Requests.

(A) No party may serve upon any other single party to an action more than 40 requests for admission under Rule 36(a)(1)(A) without obtaining:

(i) a written stipulation under Rule 29 of the party to which the additional requests are directed; or

(ii) upon a showing of good cause, a court order granting leave to serve a specific number of additional requests.

(B) Subparts of requests count as separate requests. There is no limitation on requests for admission relating to the genuineness of documents under Rule 36(a)(1)(B).

(b) Effect of an Admission. ~~Any; Withdrawing or Amending It.~~ A matter admitted under this rule is conclusively established unless the court, on motion, permits ~~withdrawal or amendment of the admission to be withdrawn or amended.~~ Subject to the provisions of Rule 16 governing amendment of a pretrial order, ~~(d)-(e),~~ the court may permit withdrawal or amendment ~~when~~ if it would promote the presentation of the merits of the action will be subserved thereby and the party who obtained the admission fails to satisfy and if the court is not persuaded that withdrawal or amendment will it would prejudice that the requesting party in maintaining or defending the action or defense on the merits. ~~Any~~ An admission made by a party under this rule is for the purpose of the pending action only and is not an admission for any other purpose ~~nor may it~~ and cannot be used against the party in any other proceeding.

~~(c) Number of Requests for Admissions.~~ No party shall serve upon any other single party to an action more than 40 requests for admissions that do not relate to the genuineness of documents, in which subparts of requests shall count as separate requests, without first obtaining a written stipulation, subject to Rule 29, of such party to additional requests or obtaining an order of the court upon a showing of good cause granting leave to serve a specific number of additional requests.

~~The number of requests for admission of the genuineness of documents is not limited except as justice requires to protect the responding party from annoyance, oppression, or undue burden and expense.~~

~~RULE 37. FAILURE TO MAKE DISCLOSURE OR COOPERATE IN~~

DISCOVERY; SANCTIONS

Rule 37. Failure to Make Disclosures or to Cooperate in Discovery; Sanctions

(a) **Motion for an Order Compelling Disclosure or Discovery.**—A party, upon reasonable

~~_____~~ (1) **In General.** On notice to other parties and all persons affected thereby, persons, a party may apply move for an order compelling disclosure or discovery as follows:

~~_____~~ (1) **Appropriate Court.** An application for an order to a party may be made to the court in which the action is pending, or, on matters relating to a deposition, to the court in the district where the deposition is being taken. An application for an order to a deponent who is not a party shall be made to the court in the district where the deposition is being, or is to be, taken.

~~_____~~ (2) **Motion.**

~~_____~~ (A) If a party fails to make a disclosure required by Rule 16.1(a) or 16.2(a), any other party may move to compel disclosure and for appropriate sanctions. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the party not making the disclosure in an effort to secure the disclosure without court action.

~~_____~~ (B) If a deponent fails to answer a question propounded or submitted under Rules 30 or 31, or a corporation or other entity fails to make a designation under Rule 30(b)(6) or 31(a), or a party fails to answer an interrogatory submitted under Rule 33, or if a party, in response to a request for inspection submitted under Rule 34, fails to respond that inspection will be permitted as requested or fails to permit inspection as requested, the discovering party may move for an order compelling an answer, or a designation, or an order compelling inspection in accordance with the request. The motion must include a certification that the movant has in good faith conferred or attempted to confer with the person

~~or party failing to make the disclosure or discovery in an effort to secure the information or material obtain it without court action. When taking a deposition on oral examination, the proponent of the question may complete or adjourn the examination before applying for an order.~~

(2) **Appropriate Court.** A motion for an order to a party must be made in the court where the action is pending. A motion for an order to a nonparty must be made in the court where the discovery is or will be taken.

(3) Specific Motions.

(A) **To Compel Disclosure.** If a party fails to make a disclosure required by Rules 16.1(a), 16.2(d), or 16.205(d), any other party may move to compel disclosure and for appropriate sanctions.

(B) **To Compel a Discovery Response.** A party seeking discovery may move for an order compelling an answer, designation, production, or inspection. This motion may be made if:

(i) a deponent fails to answer a question asked under Rule 30 or 31;

(ii) a corporation or other entity fails to make a designation under Rule 30(b)(6) or 31(a)(4);

(iii) a party fails to answer an interrogatory submitted under Rule 33; or

(iv) a party fails to produce documents or fails to respond that inspection will be permitted—or fails to permit inspection—as requested under Rule 34.

(C) **Related to a Deposition.** When taking an oral deposition, the party asking a question may complete or adjourn the examination before moving for an order.

(4) **Evasive or Incomplete Disclosure, Answer, or Response.** For purposes of ~~this subdivision~~ Rule 37(a), an evasive or incomplete disclosure, answer,

or response is ~~to~~must be treated as a failure to disclose, answer ~~or respond,~~ or respond. A party's production of documents that is not in compliance with Rule 34(b)(2)(E)(i) may also be treated as a failure to produce documents.

(4) ~~5~~ Payment of Expenses and Sanctions; Protective Orders.

~~_____ (A) _____~~ **(A) If the Motion Is Granted (or Disclosure or Discovery Is Provided After Filing).** If the motion is granted ~~—~~ or if the disclosure or requested discovery is provided after the motion was filed, ~~—~~ the court ~~shall~~must, after ~~affording~~giving an opportunity to be heard, require the party or deponent whose conduct necessitated the motion ~~or,~~ the party or attorney advising ~~such~~that conduct, or both ~~of them~~ to pay ~~to the moving party~~ the movant's reasonable expenses incurred in making the motion, including attorney's fees, ~~unless.~~ But the court ~~finds that~~ must not order this payment if:

~~_____ (i) _____~~ (i) ~~the motion was~~movant filed without the movant's first making ~~a motion~~ before attempting in good faith effort to obtain the disclosure or discovery without court action, ~~or that;~~

~~_____ (ii) _____~~ (ii) the opposing party's nondisclosure, response, or objection was substantially justified; ~~or that~~

~~_____ (iii) _____~~ (iii) other circumstances make an award of expenses unjust.

(B) If the Motion Is Denied. If the motion is denied, the court may ~~enter~~issue any protective order authorized under Rule 26(c) and ~~shall~~must, after ~~affording~~giving an opportunity to be heard, require the ~~moving party or~~movant, the attorney filing the motion, or both ~~of them~~ to pay ~~to the party or deponent who opposed the motion~~ the its reasonable expenses incurred in opposing the motion, including attorney's fees, ~~unless.~~ But the court ~~finds that the making of~~ must not order this payment if the motion was substantially justified or ~~that~~ other circumstances make an award of expenses unjust.

~~_____ (C) _____~~ **(C) If the Motion Is Granted in Part and Denied in Part.** If the motion is granted in part and denied in part, the court may ~~enter~~issue

any protective order authorized under Rule 26(c) and may, after ~~affording~~ giving an opportunity to be heard, apportion the reasonable expenses incurred in relation to the motion among the parties and persons in a just manner for the motion.

(b) Failure to Comply With with a Court Order.

~~(1) Sanctions—Deponent.~~ If a deponent fails to be sworn or to answer a question after being directed to do so by the court the failure may be considered a contempt of court.

~~(2) Sanctions—Party.~~ (1) Sanctions.

(A) For Not Obeying a Discovery Order. If a party or ~~an~~ a party's officer, director, or managing agent ~~of a party~~ or a person ~~or a person~~ witness designated under Rule 30(b)(6) or 31(a) ~~to testify on behalf of a party~~ (4) fails to obey an order to provide or permit discovery, including an order made under subdivision (a) of this rule or ~~Rule~~ Rules 35, or if a party fails to obey an order entered under Rules 16, 16.1, and 16.2, or 37(a), the court in which the action is pending may make such may issue further just orders in regard to the failure as are just, and among othersthat may include the following:

~~(A) An order (i) directing that the matters regarding whichembraced in the order was made or any other designated facts shall be taken to beas established for the purposes of the action in accordance with, as the claim of theprevailing party obtaining the orderclaims;~~

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

~~(C) An order (iii) striking out pleadings in whole or parts thereof, or in part;~~

~~(iv) staying further proceedings until the order is obeyed, or~~

~~(v) dismissing the action or proceeding in whole or anyin~~

part thereof, or;

~~_____ (vi) rendering a default judgment by default against the disobedient party; or~~

~~_____ (D) In lieu of any of the foregoing orders or in addition thereto, an order _____ (vii) treating as a contempt of court the failure to obey any orders order except an order to submit to a physical or mental examination;~~

~~(E) Where~~ **B) For Not Producing a Person for Examination.** If a party ~~has failed~~ fails to comply with an order under Rule 35(a) requiring that party ~~it~~ to produce another person for examination, ~~such~~ the court may issue any of the orders as are listed in subparagraphs ~~(Rule 37(b)(1)(A), (B), and (C) of this subdivision,~~ unless the disobedient party failing to comply shows that that it cannot produce the other person.

~~_____ (C) Payment of Expenses.~~ Instead of or in addition to the orders above, ~~the court must order the disobedient party is unable to produce such person for examination.~~

~~_____ In lieu of any of the foregoing orders or in addition thereto, the court shall require the party failing to obey the order or, the attorney advising that party, or both to pay the reasonable expenses, including attorney's fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.~~

(c) Failure to Disclose; False or Misleading Disclosure; Refusal, to Supplement an Earlier Response, or to Admit.

(1) A Failure to Disclose or Supplement. If a party that ~~without substantial justification fails to disclose~~ provide information required by Rule 16.1, 16.2, or 26(e)(1), or to amend a prior response to discovery ~~identify a witness as required by Rule 16.1(a)(1), Rule 16.2(d) or (e), Rule 16.205(d) or (e), or Rule 26(e)(2),~~ the party is not, allowed to use that information or witness to supply evidence on a motion, at a hearing, or at a trial, unless such the failure was

~~substantially justified or is harmless, permitted to use as evidence at a trial, at a hearing, or on a motion any witness or information not so disclosed. In addition to or in lieu instead of this sanction, the court, on motion and after affording giving an opportunity to be heard, may impose other appropriate sanctions. In addition to requiring:~~

~~_____ (A) may order payment of the reasonable expenses, including attorney's fees, caused by the failure, these;~~

~~_____ (B) may inform the jury of the party's failure; and~~

~~_____ (C) may impose other appropriate sanctions may include, including any of the actions authorized under orders listed in Rule 37(b)(21)(A), (B), and (C) and may include informing the jury of the failure to make the disclosure.).~~

~~(2) Failure to Admit. If a party fails to admit the genuineness of any document or the truth of any matter as what is requested under Rule 36, and if the party requesting the admissions thereafter party later proves the genuineness of the document to be genuine or the truth of the matter true, the requesting party may apply to move that the court for an order requiring the other party who failed to admit pay the reasonable expenses, including attorney's fees, incurred in making that proof, including reasonable attorney's fees. The court shall make the must so order unless it finds that:~~

~~_____ (A) the request was held objectionable pursuant to under Rule 36(a), or;~~

~~_____ (B) the admission sought was of no substantial importance, or;~~

~~_____ (C) the party failing to admit had a reasonable ground to believe that the party it might prevail on the matter; or~~

~~_____ (D) there was other good reason for the failure to admit.~~

~~(d) Party's Failure of Party to Attend at Its Own Deposition or, Serve Answers to Interrogatories, or Respond to a Request for Inspection. If~~

~~_____ (1) In General.~~

(A) Motion; Grounds for Sanctions. The court, on motion, order sanctions if:

(i) a party or a party's officer, director, or managing agent of a party or a person designated under Rule 30(b)(6) or 31(a) to testify on behalf of a party (4) fails (1) to appear before the officer who is to take the deposition, after being served with a proper notice, to appear for that person's deposition; or (2)

(ii) a party, after being properly served with interrogatories under Rule 33 or a request for inspection under Rule 34, fails to serve its answers or, objections to interrogatories submitted under Rule 33, after proper service of the interrogatories, or (3) to serve a, or written response to a request for inspection submitted under Rule 34, after proper service of the request, the court in which the action is pending on motion may make such orders in regard to the failure as are just, and among others it may take any action authorized under subparagraphs (A),

(B), and (C) of subdivision (b)(2) of this rule.

Any) Certification. A motion specifying a failure under clause (2) or (3) of this subdivision shall for sanctions for failing to answer or respond must include a certification that the movant has in good faith conferred or attempted to confer with the party failing to answer or respond act in an effort to obtain such the answer or response without court action. In lieu

(2) Unacceptable Excuse for Failing to Act. A failure described in Rule 37(d)(1)(A) is not excused on the ground that the discovery sought was objectionable, unless the party failing to act has a pending motion for a protective order under Rule 26(c).

(3) Types of Sanctions. Sanctions may include any order of the orders listed in Rule 37(b). Instead of or in addition thereto these sanctions, the court shall must require the party failing to act or, the attorney advising that party, or both to pay the reasonable expenses, including attorney's fees, caused by the failure,

unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

~~The failure to act described in this subdivision may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has applied for a protective order as provided by Rule 26(e).~~

~~(e) Reserved.~~

(e) Failure to Preserve Electronically Stored Information. If electronically stored information that should have been preserved in the anticipation or conduct of litigation is lost because a party failed to take reasonable steps to preserve it, and it cannot be restored or replaced through additional discovery, the court:

(1) upon finding prejudice to another party from loss of the information, may order measures no greater than necessary to cure the prejudice; or

(2) only upon finding that the party acted with the intent to deprive another party of the information's use in the litigation may:

(A) presume that the lost information was unfavorable to the party;

(B) instruct the jury that it may or must presume the information was unfavorable to the party; or

(C) dismiss the action or enter a default judgment.

(f) Failure to Participate in the Framing of a Discovery Plan. If a party or a party's attorney fails to participate in good faith in the ~~development~~ developing and ~~submission of~~ submitting a proposed discovery plan as required by Rule 16.1(b)(2) ~~or 16.2,~~ the court may, after giving an opportunity for hearing to be heard, require ~~such~~ that party or party's attorney to pay to any other party the reasonable expenses, including attorney's fees, caused by the failure.

VI. TRIALS

RULE 38. JURY TRIAL OF RIGHT Right to a Jury Trial; Demand

(a) **Right Preserved.** The right of trial by jury as declared by the Constitution of the State or as given by a statute of the State shall be preserved to the parties inviolate.

~~(b) Demand.~~ Any party may demand a trial by jury; **Deposit of Jurors' Fees.** On any issue triable of right by a jury, a party may demand a jury trial by:

~~(1) serving as required by Rule 5(b) upon the other parties with a written demand therefor which may be included in writing a pleading at any time after the commencement of the action and not later than the time of the entry of the order first setting the case for trial;~~

~~(e) Same: Specification of Issues.~~ In the demand a party may specify the issues which the party wishes so tried; otherwise the party shall be deemed to have demanded trial by jury for all the issues so triable. If the party has demanded trial by jury for only some of the issues, any other party within 10 days after service of the demand or such lesser time as the court may order, may serve a demand for trial by jury of any other or all of the issues of fact in the action.

~~(d) Waiver; Deposit of Jurors' Fees.~~ The failure of a party to serve a demand as required by this rule and to file it as required by Rule 5(d) constitutes a waiver by the party of trial by jury. Unless the district in which the action is pending has adopted a local rule pursuant to Rule 83 declaring otherwise, at the time a demand is filed as required by Rule 5(d), the party demanding the trial by jury shall deposit with the ~~(2) filing the demand in accordance with Rule 5(d); and~~

~~(3) unless the local rules provide otherwise, when a party files a demand, the party must deposit with the court clerk an amount of money equal to the fees to be paid the trial jurors for their services for the first day of trial. A demand for trial by jury made as herein provided may be withdrawn only with the consent of the parties, or for good cause shown upon such terms and conditions as the court may fix.~~

(c) Specifying Issues. In its demand, a party may specify the issues that it wishes to have tried by a jury; otherwise, it is considered to have demanded a jury trial on all the issues so triable. If the party has demanded a jury trial on only some issues, any other party may—within 14 days after being served with the demand or within a shorter time ordered by the court—serve a demand for a jury trial on any other or all factual issues triable by jury.

(d) Waiver; Withdrawal.

(1) A party's failure to properly file and serve a demand constitutes the party's waiver of a jury trial.

(2) A proper demand for a jury trial may be withdrawn only if the parties consent, or by court order for good cause upon such terms and conditions as the court may fix.

RULE 39. TRIAL BY JURY OR BY THE COURT Trial by Jury or by the Court

(a) **By Jury.** When a jury trial by jury has been demanded as provided in under Rule 38, the action shall must be designated as a jury action. The trial of on all issues so demanded shall must be by jury, unless:

(1) the parties or their attorneys of record, by written file a stipulation filed with the court or by an oral stipulation made in open court and entered in the record, consent to a nonjury trial by the court sitting without a jury or so stipulate on the record; or

(2) the court upon, on motion or of on its own initiative, finds that a right of trial by jury of on some or all of those issues does not exist under the Constitution or statutes of the State there is no right to a jury trial.

(b) **By the Court.** Issues not on which a jury trial is not properly demanded for trial by jury as provided in Rule 38 shall are to be tried by the court; but, notwithstanding the failure of a party to demand a jury in an action in which such a

~~demand might have been made of right, the court in its discretion upon. But the court may, on motion may, order a jury trial by a jury of on any or all issues for which a jury might have been demanded.~~

~~(c) **Advisory Jury and; Jury Trial by Consent.** In all actions an action not triable of right by a jury, the court upon, on motion:~~

~~_____ (1) may try any issue with an advisory jury; or, the court, with the consent of all parties,~~

~~_____ (2) may order a trial with, with the parties' consent, try any issue by a jury whose verdict has the same effect as if a jury trial by jury had been a matter of right.~~

~~**RULE** **Rule 40. ASSIGNMENT OF CASES FOR TRIALS** Scheduling of Cases for Trial~~

~~_____ The district courts shall provide for the placing of actions upon the trial calendar (1) without request of the parties but upon notice to the parties or (2) upon request of a party and notice to the other parties or (3) in such other manner as the courts deem expedient. Precedence shall be given to actions entitled thereto by any statute.~~

~~_____ The judicial districts must provide by rule for scheduling trials. Courts must give priority to actions entitled to priority by statute.~~

~~**RULE** **Rule 41. DISMISSAL OF ACTIONS** Dismissal of Actions (ALTERNATE 1)~~

~~(a) **Voluntary Dismissal: Effect Thereof.**~~

~~(1) **By the Plaintiff; by Stipulation.**~~

~~_____ (A) **Without a Court Order.** Subject to the provisions of Rule Rules 23(e), of Rule 66f), 23.1, 23.2, and of 66 and any applicable statute, an action~~

may be dismissed by the plaintiff upon repayment of defendants' filing fees, may dismiss an action without a court order of court by filing:

_____ (i) by filing a notice of dismissal at any time before service by the adverse opposing party of serves either an answer or of a motion for summary judgment, whichever first occurs; or

_____ (ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action.

_____ (B) Effect. Unless otherwise stated in the notice of dismissal or stipulation states otherwise, the dismissal is without prejudice, except that. But if the plaintiff previously dismissed any federal or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of the United States or of any state an action based on or including the same claim.

_____ (C) Filing Fees. Unless otherwise stipulated, the plaintiff must repay the defendant's filing fees.

(2) **By Order of Court; Effect.** Except as provided in subdivision Rule 41(a)(1) of this rule, an action shall not may be dismissed at the plaintiff's instance save upon order of the request only by court and upon such order, on terms and conditions as that the court deems considers proper. If a defendant has pleaded a counterclaim has been pleaded by a defendant prior to the service upon the defendant of before being served with the plaintiff's motion to dismiss, the action shall not may be dismissed against over the defendant's objection unless only if the counterclaim can remain pending for independent adjudication by the court. Unless the order states otherwise specified in the order, a dismissal under this paragraph Rule 41(a)(2) is without prejudice.

(b) **Involuntary Dismissal: Effect Thereof.** For failure of. If the plaintiff fails to comply with these rules or any a court order of court, a defendant may move for dismissal of and to dismiss the action or of any claim against the defendant. Unless

~~the court in its dismissal order for dismissal or an applicable statute provides otherwise specifies, a dismissal under this subdivision Rule 41(b) and any dismissal not provided for in under this rule, other than a dismissal—except one for lack of jurisdiction, for improper venue, or for failure to join a party under Rule 19,—operates as an adjudication upon on the merits.~~

~~(c) Dismissal of~~ **Dismissing a Counterclaim, Cross-Claim, or Third-Party Claim.** ~~The provisions of this~~ This rule apply ~~applies to the~~ a dismissal of any counterclaim, cross-claim ~~crossclaim, or third-party claim. A claimant's voluntary dismissal by the claimant alone pursuant to subdivision (a)(1) of this rule shall under Rule 41(a)(1)(A)(i) must be made:~~

- ~~_____~~ (1) before a responsive pleading is served; or,
- ~~_____~~ (2) if there is no responsive pleading, before the introduction of evidence is introduced at the trial or a hearing or trial.

~~(d) Costs of a Previously Dismissed Action.~~ **Costs of a Previously Dismissed Action.** ~~If a plaintiff who has~~ previously dismissed an action in any court commences ~~files an action based upon on or including the same claim against the same defendant, the court:~~

- ~~_____~~ (1) may make such order for the payment plaintiff to pay all or part of the costs of the that previous action previously dismissed as it may deem proper; and
- ~~_____~~ (2) may stay the proceedings in the action until the plaintiff has complied with the order.

~~(e) Dismissal for Want of Prosecution.~~ **Dismissal for Want of Prosecution.** ~~The court may in its discretion dismiss any action for want of prosecution on motion of~~

- ~~_____~~ (1) Procedure. When the time periods in this rule have expired:
 - ~~_____~~ (A) any party or on the court's own motion and after due notice may move to the parties, whenever dismiss an action for lack of prosecution; or
 - ~~_____~~ (B) a court may, on its own, issue an order to show cause why an action should not be dismissed for lack of prosecution. After briefing, the court may

hold a hearing or take the matter under submission, as provided by local rules on motion practice.

(2) Dismissing an Action Prior to Trial.

(A) A court may dismiss an action for want of prosecution if a plaintiff fails to bring an action to trial within 2 years after the action was filed.

(B) A court must dismiss an action for want of prosecution if a plaintiff has failed for 2 years after action is filed to bring such action to trial. Any action heretofore or hereafter commenced shall be dismissed by the court in which the same shall have been commenced or to which it may be transferred on motion of any party, or on the court's own motion, after due notice to the parties, unless such to bring the action is brought to trial within 5 years after the plaintiff has filed the action, except where the parties have stipulated in writing that the time may be extended. When, in any was filed.

(3) Dismissing an Action After a New Trial is Granted. A court must dismiss an action after judgment, a motion for a new trial has been made and a new trial granted, such for want of prosecution if a plaintiff fails to bring an action shall be dismissed on motion of any party after due notice to the parties, or by the court of its own motion, if no appeal has been taken, unless such action is brought to trial within 3to trial within 3 years after the entry of thean order granting a new trial, except when the parties have stipulated in writing that the time may be extended. When in an action after judgment, an appeal has been taken and judgment reversed with cause remanded for a new trial (or when an appeal has been taken from.

(4) Dismissing an Action After an Appeal.

(A) If a party appealed an order granting a new trial and sue the order is affirmed on appeal), the action must be dismissed by the trial, a court on motion of any party after due notice to the parties, or of its own motion, unless brought must dismiss an action for want of prosecution if the plaintiff failed to bring

~~the action to trial within 3 years from after the date upon which remittitur is was filed by the clerk of in the trial court.~~

~~(B) If a party appealed a judgment and the judgment was reversed on appeal and remanded for a new trial, a court must dismiss an action for want of prosecution if the plaintiff fails to bring the action to trial within 3 years after the remittitur was filed in the trial court.~~

~~(5) Time Extension. The parties may stipulate in writing that the time in which to prosecute an action may be extended. If two time periods requiring mandatory dismissal apply, the longer time period controls.~~

~~(6) Dismissal with Prejudice. A dismissal under this subdivision Rule 41(e) is a bar to another action upon the same claim for relief against the same defendants unless the court provides otherwise provides in its order dismissing the action.~~

~~RULE~~ **Rule 41. DISMISSAL OF ACTIONS** ~~Dismissal of Actions~~
(ALTERNATE 2)

(a) Voluntary Dismissal: Effect Thereof.

(1) By the Plaintiff; by Stipulation.

~~(A) Without a Court Order. Subject to the provisions of RuleRules 23(e), of Rule 66(f), 23.1, 23.2, and of 66 and any applicable statute, an action may be dismissed by the plaintiff upon repayment of defendants' filing fees, may dismiss an action without a court order of court by filing:~~

~~(i) by filing a notice of dismissal at any time before service by the adverse opposing party of serves either an answer or of a motion for summary judgment, whichever first occurs; or~~

~~(ii) by filing a stipulation of dismissal signed by all parties who have appeared in the action.~~

~~(B) Effect. Unless otherwise stated in the notice of dismissal or stipulation states otherwise, the dismissal is without prejudice, except that. But if the plaintiff previously dismissed any federal or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication upon the merits when filed by a plaintiff who has once dismissed in any court of the United States or of any state an action based on or including the same claim.~~

~~(C) Filing Fees. Unless otherwise stipulated, the plaintiff must repay the defendant's filing fees.~~

~~(2) By Order of Court; Effect. Except as provided in subdivision Rule 41(a)(1) of this rule, an action shall not may be dismissed at the plaintiff's instance save upon order of the request only by court and upon such order, on terms and conditions as that the court deems considers proper. If a defendant has pleaded a counterclaim has been pleaded by a defendant prior to the service upon the defendant of before being served with the plaintiff's motion to dismiss, the action shall not may be dismissed against over the defendant's objection unless only if the counterclaim can remain pending for independent adjudication by the court. Unless the order states otherwise specified in the order, a dismissal under this paragraph Rule 41(a)(2) is without prejudice.~~

~~(b) Involuntary Dismissal: Effect Thereof. For failure of. If the plaintiff fails to prosecute or to comply with these rules or any a court order of court, a defendant may move for dismissal of and to dismiss the action or of any claim against the defendant. Unless the court in its dismissal order for dismissal or an applicable statute provides otherwise specifies, a dismissal under this subdivision Rule 41(b) and any dismissal not provided for in under this rule, other than a dismissal except one for lack of jurisdiction, for improper venue, or for failure to join a party under Rule 19, operates as an adjudication upon the merits.~~

~~(c) Dismissal of Dismissing a Counterclaim, Cross-Claim, or Third-Party Claim. The provisions of this This rule apply applies to the a dismissal of any~~

counterclaim, ~~cross-claim~~crossclaim, or third-party claim. A claimant's voluntary dismissal by the claimant alone pursuant to subdivision (a)(1) of this rule shall under Rule 41(a)(1)(A)(i) must be made:

- ~~_____~~ (1) before a responsive pleading is served; or
- ~~_____~~ (2) if there is ~~no~~no responsive pleading, before the introduction of evidence is introduced at the ~~trial or~~hearing or trial.

(d) **Costs of a Previously Dismissed Action.** If a plaintiff who has ~~once~~previously dismissed an action in any court ~~commences~~files an action based upon ~~or~~including the same claim against the same defendant, the court:

- ~~_____~~ (1) ~~may make such order for the payment of plaintiff to pay all or part of the costs of the that previous action previously dismissed as it may deem proper; and~~
- ~~_____~~ (2) may stay the proceedings in the action until the plaintiff has complied with the order.

~~_____~~ (e) **Want of Prosecution.** The court may in its discretion dismiss any action for want of prosecution on motion of any party or on the court's own motion and after due notice to the parties, whenever plaintiff has failed for 2 years after action is filed to bring such action to trial. Any action heretofore or hereafter commenced shall be dismissed by the court in which the same shall have been commenced or to which it may be transferred on motion of any party, or on the court's own motion, after due notice to the parties, unless such action is brought to trial within 5 years after the plaintiff has filed the action, except where the parties have stipulated in writing that the time may be extended. When, in any action after judgment, a motion for a new trial has been made and a new trial granted, such action shall be dismissed on motion of any party after due notice to the parties, or by the court of its own motion, if no appeal has been taken, unless such action is brought to trial within 3 years after the entry of the order granting a new trial, except when the parties have stipulated in writing that the time may be extended. When in an action after judgment, an appeal has been taken and judgment reversed with cause remanded for a new trial (or when

~~an appeal has been taken from an order granting a new trial and such order is affirmed on appeal), the action must be dismissed by the trial court on motion of any party after due notice to the parties, or of its own motion, unless brought to trial within 3 years from the date upon which remittitur is filed by the clerk of the trial court. A dismissal under this subdivision (e) is a bar to another action upon the same claim for relief against the same defendants unless the court otherwise provides.~~

RULE 42. CONSOLIDATION; SEPARATE TRIALS
Consolidation;
Separate Trials

(a) **Consolidation.** ~~When~~If actions involving~~before~~ the court involve a common question of law or fact ~~are pending before, the court, it may order a joint:~~

~~_____~~ (1) join for hearing or trial of any or all the matters inat issue in the actions; ~~it may order all~~

~~_____~~ (2) consolidate the actions consolidated; and it may make such; or

~~_____~~ (3) issue any other orders concerning proceedings therein as may tend to avoid unnecessary ~~costs~~cost or delay.

(b) **Separate Trials.** ~~The court, in furtherance of~~For convenience ~~or, to avoid prejudice, or when separate trials will be conducive to expedition and economy, to expedite and economize, the court may order a separate trial of any claim, cross-claim, counterclaim, one or third-party claim, or of any~~more separate issue ~~or of any number of~~issues, claims, cross-claims~~crossclaims, counterclaims, or third-party claims, or issues, always preserving inviolate. When ordering a separate trial, the court must preserve any right of trial by~~to a jury trial.

RULE 43. EVIDENCE
Taking Testimony

(a) **Form.** ~~In every~~Open Court. At trial, the witnesses' testimony of witnesses ~~shall~~must be taken in open court, unless provided otherwise provided by these rules or by statute. ~~The court may, for~~applicable law. For good cause shown in

compelling circumstances and ~~upon~~with appropriate safeguards, ~~the court may~~ permit ~~presentation of~~ testimony in open court by contemporaneous transmission from a different location.

(b) **Affirmation in Lieu**~~In lieu~~ **of an Oath.** ~~Whenever under~~ When these rules ~~require an oath is required to be taken,~~ a solemn affirmation ~~may be accepted~~ in lieu thereof suffices.

(c) **Evidence on Motions**~~a Motion~~. When a motion ~~is based~~relies on facts ~~not appearing of outside the record,~~ the court may hear the matter on affidavits presented by the respective parties, but the court may direct that the matter be heard ~~or~~ may hear it wholly or partly on oral testimony or on depositions.

(d) **Interpreters**~~Interpreter~~. The court may appoint an interpreter of its own selection and ~~may choosing;~~ fix the interpreter's reasonable compensation. ~~The compensation shall to be paid out of from~~ funds provided by law or by one or more of the parties ~~as the court may direct;~~ and ~~may be taxed ultimately~~ tax the compensation as costs; in the discretion of the court.

RULE Rule 44. PROOF OF OFFICIAL RECORD Proving an Official Record

(a) **Authentication**Means of Proving.

(1) **Domestic.** ~~An Record.~~ Each of the following evidences an official record ~~kept or an entry in it that is otherwise admissible and is kept within the United States, or any state, district, or commonwealth, or within any territory subject to the administrative or judicial jurisdiction of the United States, or an entry therein, when admissible for any purpose, may be evidenced by an official;~~

_____ (A) an official publication ~~thereof~~ of the record; or by

_____ (B) a copy attested by the officer ~~having the~~with legal custody of the record, ~~or by the officer's deputy,~~ and accompanied by a certificate that ~~such~~ the officer has the custody. The certificate ~~may~~ must be made under seal;

~~_____ (i) by a judge of a court of record ofin the district or political subdivision in whichwhere the record is kept, authenticated by the seal of the court,; or may be made~~

~~_____ (ii) by any public officer havingwith a seal of office and havingwith official duties in the district or political subdivision in whichwhere the record is kept, authenticated by the seal of the officer's office.~~

(2) Foreign. A Record.

~~_____ (A) In General. Each of the following evidences a foreign official record, —or an entry therein, whenin it —that is otherwise admissible for any purpose, may be evidenced by:~~

~~_____ (i) an official publication thereofof the record; or~~

~~_____ (ii) the record —or a copy —thereof, —that is attested by a personan authorized to make the attestation, person and is accompanied either by a final certification as toof genuineness or by a certification under a treaty or convention to which the United States and the country where the record is located are parties.~~

~~_____ (B) Final Certification of Genuineness. A final certification must certify the genuineness of the signature and official position ~~(i)~~ of the attesting person, attester or ~~(ii)~~ of any foreign official whose certificate of genuineness of signature and official position relates to the attestation or is in a chain of certificates of genuineness of signature and official position relating to the attestation. A final certification may be made by a secretary of a United States embassy or legation,; by a consul general, consul, vice consul, or consular agent of the United States,; or by a diplomatic or consular official of the foreign country assigned or accredited to the United States.~~

~~_____ (C) Other Means of Proof. If all parties have had a reasonable opportunity has been given to all parties to investigate the a foreign record's~~

authenticity and accuracy of the documents, the court may, for good cause shown, ~~either:~~

- ~~_____ (i) admit an attested copy without final certification; or~~
- ~~_____ (ii) permit the foreign official record to be evidenced by an attested summary with or without a final certification. The final certification is unnecessary if the record and the attestation are certified as provided in a treaty or convention to which the United States and the foreign country in which the official record is located are parties.~~

(b) Lack of a Record. A written statement that after a diligent search of designated records revealed no record or entry of a specified tenor is found to exist in the records designated by the statement, authenticated as provided in subdivision (a)(1) of this rule in the case of a domestic record, or complying with the requirements of subdivision (a)(2) of this rule for a summary in the case of a foreign record, is admissible as evidence that the records contain no such record or entry. For domestic records, the statement must be authenticated under Rule 44(a)(1). For foreign records, the statement must comply with Rule 44(a)(2)(C)(ii).

(c) Other Proof. ~~This rule does not prevent the proof of~~ A party may prove an official records record—or of an entry or lack of an entry therein in it—by any other method authorized by law.

~~RULE 44.1. DETERMINATION OF FOREIGN LAW~~ Determining Foreign Law

~~A party who intends to raise an issue concerning the law of a foreign country shall~~ country's law must give notice by pleadings a pleading or other reasonable written notice. The court, in writing. In determining foreign law, the court may consider any relevant material or source, including testimony, whether or not submitted by a party or admissible under Rule 43 as evidence. The court's determination shall must be treated as a ruling on a question of law.

RULE Rule 45. SUBPOENA Subpoena

(a) Form; Issuance In General.

(1) Form and Contents.

~~(A) Requirements—In General.~~ Every subpoena ~~shall~~ must:

~~(A) (i) state the name of the court from which it is issued; and~~

~~(B) (ii) state the title and case number of the action, and the name and address of the party or attorney responsible for issuing the court in which it is pending, and its civil case number; and subpoena;~~

~~(C) (iii) command each person to whom it is directed to do the following at a specified time and place: attend and give testimony or to testify; produce and permit inspection and copying of designated books, documents, electronically stored information, or tangible things in the that person's possession, custody, or control; or permit the inspection of that person, premises; and~~

~~(iv) set out the text of Rule 45(c) and (d).~~

~~(B) Command to Attend a Deposition—Notice of the Recording Method.~~ A subpoena commanding attendance at a deposition must state the method for recording the testimony.

~~(C) Combining or Separating a Command to Produce or to Permit Inspection; Specifying the Form for Electronically Stored Information.~~ A command to produce documents, electronically stored information, or tangible things or to permit the inspection of premises, at a time and place therein specified; and may be included in a subpoena commanding attendance at a deposition, hearing, or trial, or may be set out in a separate subpoena. A subpoena may specify the form or forms in which electronically stored information is to be produced.

~~(D) set forth the text of subdivisions (e) and (d) of this rule.~~

Command to Produce; Included Obligations. A command in a subpoena to produce evidence documents, electronically stored information, or tangible things requires the responding person to permit inspection may be joined with a command to appear at trial, copying, testing, or hearing or at deposition, or may be issued separately sampling of the materials.

~~_____ (2) A subpoena commanding attendance at a trial or hearing shall issue from the court for the district in which the hearing or trial is to be held. A subpoena for attendance at a deposition shall issue from the court for the district in which the action is pending. If separate from a subpoena commanding the attendance of a person, a subpoena for production or inspection shall issue from the court for the district in which the action is pending. If the action is pending out of the state, a subpoena may be issued by the clerk of any district court, and the court in the district in which the deposition is being taken or in which the production or inspection is to take place shall, for the purposes of these rules, be considered the court in which the action is pending.~~

~~_____ (3)~~ (2) Issuing Court. A subpoena must issue from the court where the action is pending.

~~_____ (3) Issued by Whom.~~ The clerk shall must issue a subpoena, signed but otherwise in blank, to a party requesting it, who shall requests it. That party must complete it before service. An attorney as officer of the court may also may issue and sign a subpoena ~~on behalf of the court~~ if the attorney is authorized to practice therein in the issuing court.

~~_____ (4) Prior Notice to Parties; Objections.~~

~~_____ (i) Notice to Other Parties Before Service.~~ If the subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, then at least 7 days before it is served on the person to whom it is directed, a notice and a copy of the subpoena

must be served on each party to permit a party to object to the subpoena during that time.

(ii) Party Objections. An objecting party may serve objections to the subpoena and must file a motion for a protective order under Rule 26(c) within 7 days after being served with notice and a copy of the subpoena. If a party serves objections or files a motion for a protective order, the subpoena may not be served until the court issuing the subpoena has ruled on the objections.

(b) Service.

~~(1) A subpoena may be served by any **By Whom and How; Tendering Fees.** Any person who is at least 18 years old and not a party and is not less than 18 years of age. Service of may serve a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and, if, as appropriate under Rule 4.2 or 4.3. If the subpoena requires that person's attendance is commanded, by tendering to that person, the feesserving party must tender the fee for one day's attendance and the mileage allowed by law. When Fees and mileage need not be tendered when the subpoena is issued issues on behalf of the State or an officer or agency thereof, fees and mileage need not be tendered. Prior notice, not less than 15 days, of any commanded production of documents and things or inspection of premises before trial shall be served on each party any of its officers or agencies.~~

~~(2) Service in the manner prescribed by Rule 5(b).~~

~~(2) Nevada.~~ Subject to the provisions of clause (ii) of subparagraph Rule 45(c)(3)(A) of this rule,(ii), a subpoena may be served at any place within the state.

~~(3)~~ (3) Service in Another State or Territory. A subpoena may be served in another state or territory of the United States as provided by the law of that state or territory.

(4) Service in a Foreign Country. A subpoena may be served in a foreign country as provided by the law of that country.

(5) Service of a Subpoena from Another State or Territory in Nevada. A subpoena issued by a court in another state or territory of the United States that is directed to a person in Nevada must be presented to the clerk of the district court in the county in which discovery is sought to be conducted. A subpoena issued under NRS Chapter 53 may be served under this rule.

(6) Proof of Service. Proving service, when necessary shall be made by, requires filing with the clerk of the issuing court by which the subpoena is issued a statement of showing the date and manner of service and of the names of the persons served. The statement must be certified by the person who made the service server.

(c) Protection of Persons Subject to Subpoena.

(1) Avoiding Undue Burden or Expense; Sanctions. A party or an attorney responsible for the issuance issuing and service of serving a subpoena shall must take reasonable steps to avoid imposing undue burden or expense on a person subject to that the subpoena. The court on behalf of which where the subpoena was issued shall must enforce this duty and may impose upon the party or attorney in breach of this duty an an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee fees on a party or attorney who fails to comply.

(2)(A) Command to Produce Materials or Permit Inspection.

(A) Appearance Not Required.

(i) A person commanded to produce and permit inspection and copying of designated books, papers, documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of

the _____ (ii) If documents, electronically stored information, or tangible things are produced to the party that issued the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon without an appearance at the place of production, the party receiving such materials must promptly copy or electronically reproduce the documents or information, photograph any tangible items not subject to copying, and serve these items on every other party. The party issuing the subpoena may also serve a statement of the reasonable cost of copying, reproducing, and/or photographing, which the recipient must promptly pay. If a party disputes the cost, then the court, on motion, must determine the reasonable cost of copying the documents or information, or photographing the tangible items.

(B) **Objections.** A person commanded to produce documents or tangible things or to permit inspection, or a person claiming a proprietary interest in the subpoenaed documents, tangible things, or place to be inspected, may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, or testing, or sampling any or all of the designated materials or to inspecting the premises. If _____ or to producing electronically stored information in the form or forms requested. The person making the objection must serve it before the earlier of the time specified for compliance or 14 days after the subpoena is served on the party or person. If an objection is made,;

(i) the party serving the subpoena shall ~~is~~ not be entitled to inspect and copy the materials or tangible things or to inspect the premises except pursuant to an by order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon issuing the subpoena;

(ii) on notice to the person parties and the objecting and commanded to produce, persons, the serving party may move at any time the court that issued the subpoena for an order to compel the production. Such an order to compel compelling production shall ~~or~~ inspection; and

~~(iii) an order compelling production or inspection must protect anythe person who is not a partycommanded to produce documents or an officer of a partytangible things or to permit inspection from significant expense resulting from the inspection and copying commandedcompliance.~~

(3)(A) Quashing or Modifying a Subpoena.

~~(A) When Required. On timely motion, the court by whichthat issued a subpoena was issued shallmust quash or modify the subpoena if it:~~

~~(i) fails to allow reasonable time for compliance;~~

~~(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that such a unless the person may in orderis commanded to attend trial be commanded to travel from any such place within the state in which the trial is held, orNevada;~~

~~(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies; or~~

~~(iv) subjects a person to an undue burden.~~

~~(B) If When Permitted. On timely motion, the court that issued a subpoena~~

~~(i) may quash or modify the subpoena if it requires disclosure of disclosing:~~

~~(i) a trade secret or other confidential research, development, or commercial information; or~~

~~(ii) requires disclosure of an unretainedan un-retained expert's opinion or information that does not describingdescribe specific events or occurrences~~

~~in dispute and resultingresults from the expert's study madethat was not at the request of any-requested by a party.~~

(C) Specifying Conditions as an Alternative. In the circumstances described in Rule 45(c)(3)(B), the court may, ~~to protect a person subject to instead of quashing or affected by the modifying a subpoena, quash or order an appearance or modify the subpoena or, production under specified conditions if the serving party in whose behalf the subpoena is issued;~~

~~(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions; and~~

~~(ii) ensures that the subpoenaed person will be reasonably compensated.~~

(d) Duties in Responding to Subpoena.

(1) Producing Documents or Electronically Stored Information. These procedures apply to producing documents or electronically stored information:

(A) Documents. A person responding to a subpoena to produce documents ~~shall~~ must produce them as they are kept in the ~~usual~~ ordinary course of business or ~~shall~~ must organize and label them to correspond ~~with~~ to the categories in the demand.

~~(2) When information subject to~~ (B) Form for Producing Electronically Stored Information Not Specified. If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is withheld or ordinarily maintained or in a reasonably usable form or forms.

(C) Electronically Stored Information Produced in Only One Form. The person responding need not produce the same electronically stored information in more than one form.

(D) Inaccessible Electronically Stored Information. The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) Information Withheld. A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation materials, ~~the claim shall be made material must:~~

~~(i) expressly make the claim; and shall be supported by a description of~~

~~(ii) describe the nature of the withheld documents, communications, or tangible things not produced that is sufficient to in a manner that, without revealing information itself privileged or protected, will enable the demanding party/parties to contest/assess the claim.~~

(B) Information Produced. If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(e) **Contempt; Costs.** Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court ~~from which the subpoena issued~~ that issued the subpoena. In connection with a motion to compel brought under Rule 45(c)(2)(B), the court may consider the provisions of Rule 37(a)(5) in awarding the prevailing party reasonable expenses incurred in making or opposing the motion.

RULE 46. EXCEPTIONS UNNECESSARY

~~Formal exceptions~~ **Objecting to rulings a Ruling or** orders of the court are unnecessary; but for all purposes for which an **Order**

A formal exception has heretofore been necessary it is sufficient that a party, at the time the **to a ruling or order** is unnecessary. When the court **ruling or order** is requested or made or sought, makes known to the court, a party need only state the action which the party desires **that it wants the court to take or the party's objection** objects to the action of the court and the party's, along with the grounds therefor; and, if a party has no opportunity to **for the request or objection**. Failing to object to a ruling or order at the time it is made, the absence of an objection does not thereafter prejudice the party **a party who had no opportunity to do so when the ruling or order was made.**

RULE 47. JURORS Selecting Jurors

(a) **Examination of Jurors.** The court shall must conduct the examination of prospective jurors and shall must permit such supplemental examination by counsel as it deems proper.

(b) Challenges to Jurors. Peremptory challenges to jurors and challenges for cause are governed by NRS Chapter 16.

(c) **Alternate Jurors.** The

(1) In addition to the regular jury, the court may direct that alternate

~~jurors may, in addition to the regular jury, be called and impaneled to sit. Alternate jurors in the order in which they are called shall must replace jurors who, prior to the time the jury retires to consider its verdict, become or are found to be unable or disqualified to perform their duties. Alternate jurors shall must be drawn in the same manner, shall must have the same qualifications, shall must be subject to the same examination and challenges, shall must take the same oath, and shall must have the same functions, powers, facilities, and privileges as the regular jurors. An alternate juror who does not may replace a regular juror shall be discharged during trial or after the jury retires to consider its verdict. If an alternate juror replaces a regular juror after the jury has retired to deliberate, the court must recall the jury, seat the alternate, and resubmit the case to the jury. Alternate jurors must be discharged when the regular jury is discharged.~~

~~(2) Each side is entitled to 1 one additional peremptory challenge in addition to those otherwise allowed by law for every two alternate jurors that are to be impaneled. The additional peremptory challenges may be used against an alternate juror only, and the other regular peremptory challenges allowed by law shall must not be used against an alternate juror.~~

~~**RULE 48. JURIES OF LESS THAN EIGHT**~~ **Number of Jurors**

~~The parties may stipulate that the~~ A jury shall must consist of eight persons, unless the parties consent to a lesser number but not less than four.

~~**RULE 49. SPECIAL VERDICTS AND INTERROGATORIES**~~

~~**Rule 49. Special Verdict; General Verdict and Questions**~~

~~**(a) Special Verdicts.**~~ **Verdict.**

~~(1) In General. The court may require a jury to return only a special verdict in the form of a special written finding upon on each issue of fact. In that event the~~ The court may submit to the jury do so by:

~~_____~~ (A) ~~submitting~~ written questions susceptible of a categorical or other brief answer ~~or may submit;~~

~~_____~~ (B) ~~submitting~~ written forms of the ~~several~~ special findings ~~which that~~ might properly be made under the pleadings and evidence; ~~or it may use such~~

~~_____~~ (C) ~~using any other method of submitting the issues and requiring the written findings thereon as it deems most~~ that the court considers appropriate.

~~_____~~ (2) Instructions. The court ~~shall~~ must ~~give to the jury such explanation~~ instructions and ~~instruction concerning the matter thus submitted as may be~~ explanations necessary to enable the jury to make its findings ~~upon~~ on each submitted issue. ~~If in so doing the court omits~~

~~_____~~ (3) Issues Not Submitted. A party waives the right to a jury trial on any issue of fact raised by the pleadings or ~~by the evidence,~~ each party waives the right to a trial by jury of the issue so omitted ~~but not submitted to the jury unless, before the jury retires, the party demands its submission to the jury. As to an issue omitted without such~~ If the party does not demand submission, the court may make a finding; or, if it fails to do so, it shall be deemed on the issue. If the court makes no finding, it is considered to have made a finding in accord consistent with the its judgment on the special verdict.

(b) General Verdict Accompanied by Answer with Answers to Interrogatories. Written Questions.

~~_____~~ (1) In General. The court may submit to the jury, ~~together with appropriate forms for a general verdict,~~ together with written interrogatories ~~upon~~ questions on one or more issues of fact that the decision of which is necessary to a verdict. jury must decide. The court ~~shall~~ must ~~give such explanation or instruction as may be~~ the instructions and explanations necessary to enable the jury ~~both to make answers to the interrogatories and to render a general verdict, and the~~

~~court shall answer the questions in writing, and must direct the jury to do both to make written answers.~~

~~(2) Verdict and to render a general verdict. Answers Consistent. When the general verdict and the answers are harmonious consistent, the court must approve, for entry under Rule 58, an appropriate judgment upon the verdict and answers shall be entered pursuant to Rule 58.~~

~~(3) Answers Inconsistent with the Verdict. When the answers are consistent with each other but one or more is inconsistent with the general verdict, the court may:~~

~~(A) approve, for entry under Rule 58, an appropriate judgment may be entered pursuant according to Rule 58 in accordance with the answers, notwithstanding the general verdict, or the court may return;~~

~~(B) direct the jury to further consideration of consider its answers and verdict; or may~~

~~(C) order a new trial.~~

~~(4) Answers Inconsistent with Each Other and the Verdict. When the answers are inconsistent with each other and one or more is likewise also inconsistent with the general verdict, the court shall not direct the entry of judgment but may return must not be entered; instead, the court may:~~

~~(A) direct the jury to further consideration of consider its answers and verdict; or may~~

~~(B) order a new trial.~~

~~RULE 50. JUDGMENT AS A MATTER OF LAW IN JURY TRIALS;
ALTERNATIVE MOTION FOR NEW TRIAL; CONDITIONAL RULINGS~~

~~Rule 50. Judgment as a Matter of Law in a Jury Trial; Related Motion for a New Trial; Conditional Ruling~~

(a) Judgment as a Matter of Law.

(1) ~~If during a trial by jury, In General.~~ If a party has been fully heard on an issue ~~during a jury trial and on the facts and law~~ court finds that a party has failed to prove ~~reasonable jury would not have a legally sufficient evidentiary basis to find for the party on that issue for the jury, the court may determine:~~

~~(A) resolve the issue against that the party; and may~~

~~(B) grant a motion for judgment as a matter of law against that the party with respect to on a claim or defense that cannot, under the controlling law, can be maintained or defeated without only with a favorable finding on that issue.~~

(2) ~~Motions~~ **Motion.** A motion for judgment as a matter of law may be made at ~~the close of the evidence offered by the nonmoving party or at the close of any time before the case. Such a~~ is submitted to the jury. The motion ~~shall~~ **must** specify the judgment sought and the law and ~~the facts on which the moving party is entitled~~ facts that entitle the movant to the judgment.

(b) Renewing the Motion for Judgment After Trial; Alternative Motion for a New Trial. ~~If, for any reason, the court does not grant a motion for judgment as a matter of law made at the close of all the evidence, under Rule 50(a), the court is considered to have submitted the action to the jury subject to the court's later deciding the legal questions raised by the motion. The movant may renew its request for judgment as a matter of law by filing a motion no later than 10~~ **No later than 28** days after service of written notice of entry of judgment ~~and may alternatively request—or if the motion addresses a jury issue not decided by a verdict, no later than 28 days after the jury was discharged—the movant may file a renewed motion for judgment as a matter of law and may include an alternative or joint request for a new trial or join a motion for new trial under Rule 59. The time for filing the motion cannot be extended under Rule 6(b). In ruling on a the renewed motion, the court may:~~

(1) if a verdict was returned:

~~(A) allow the judgment to stand, on the verdict, if the jury returned~~

a verdict;

~~_____ (B)(2) order a new trial; or~~

~~_____ (C)(3) direct the entry of judgment as a matter of law; or,~~

~~_____ (2) if no verdict was returned:~~

~~_____ (A) order a new trial, or~~

~~_____ (B) direct entry of judgment as a matter of law.~~

(c) Granting the Renewed Motion for Judgment as a Matter of Law; Conditional Rulings; Ruling on a Motion for a New Trial Motion.

(1) In General. If the court grants a renewed motion for judgment as a matter of law is granted, the court shall, it must also conditionally rule on the any motion for a new trial, if any, by determining whether it a new trial should be granted if the judgment is thereafter later vacated or reversed, and shall specify. The court must state the grounds for conditionally granting or denying the motion for a new trial. If

(2) Effect of a Conditional Ruling. Conditionally granting the motion for a new trial is thus conditionally granted, the order thereon does not affect the judgment's finality of the judgment. In case the motion for a new trial has been conditionally granted and; if the judgment is reversed on appeal, the new trial shall must proceed unless the appellate court has orders otherwise ordered. In case, If the motion for a new trial has been is conditionally denied, the appellee on appeal may assert error in that denial; and if the judgment is reversed on appeal, subsequent proceedings shall be in accordance with the order of, the case must proceed as the appellate court orders.

~~_____ (2)~~ (d) Time for a Losing Party's New-Trial Motion. Any motion for a new trial under Rule 59 by a party against whom judgment as a matter of law is rendered shall must be filed ~~not~~ no later than 1028 days after service of written notice of entry of ~~the~~ judgment. The time for filing the motion cannot be extended under Rule 6(b).

~~(d) Same: Denial of~~ **(e) Denying the Motion for Judgment as a Matter of Law; Reversal on Appeal.** If the court denies the motion for judgment as a matter of law, the prevailing party who prevailed on that motion may, as appellee, assert grounds entitling the party to a new trial in the event should the appellate court conclude that the trial court erred in denying the motion for judgment. If the appellate court reverses the judgment, nothing in this rule precludes it from determining that the appellee is entitled to it may order a new trial, or from directing direct the trial court to determine whether a new trial shall should be granted, or direct the entry of judgment.

~~RULE 51. INSTRUCTIONS TO JURY; OBJECTIONS; PRESERVING A CLAIM OF ERROR~~

~~(a) Written Rule 51. Instructions to the Jury; Objections; Preserving a Claim of Error~~

~~(a) Requests; Format.~~

~~(1) A party may, at Before or at the Close of the Evidence. At the close of the evidence or at such any earlier reasonable time as that the court reasonably directs, orders, a party may file and furnish to every other party written requests that the court instruct for the jury on the law as set forth in the requests. The written requests shall be in the format directed by instructions it wants the court to give.~~

~~(2) After the court. If a party relies on statute, rule or case law to support or object to a requested instruction, Close of the party shall provide a citation to or a copy of the precedent. An original and one copy of each instruction requested by a party shall be filed with the court. The copies shall be appropriately numbered and indicate who filed them.~~

~~(2) Evidence. After the close of the evidence, a party may:~~

(A) file requests for instructions on issues that could not reasonably have been anticipated ~~at by an earlier time that the court set for requests set under Rule 51(a)(1);~~ and

(B) with the court's permission, file untimely requests for instructions on any issue.

(3) Format; Citation. The written requests must be in the format directed by the court. If a party relies on any statute, rule, case law, or other legal authority to support a requested instruction, the party must cite each legal authority or provide a copy of it.

(b) Settling Instructions.

(1) The court:

~~(A) shall must inform counsel the parties of its proposed instructions and proposed action on the requests before instructing the jury and before the arguments to the jury; and.~~

~~(B) (2) The court must give the parties an opportunity to object on the record and out of the jury's hearing to the proposed instructions and actions on requests before the instructions and arguments are delivered.~~

~~(2) Whenever the court refuses to give any requested instruction, the court shall write the word "refused" in the margin of the original and initial or sign the notation. Whenever the court modifies any requested instruction, the court shall mark the same in such manner that it shall distinctly appear how the instruction has been modified and shall initial or sign the notation. The instructions given to the jury shall be firmly bound together and the court shall write the word "given" at the conclusion thereof and sign the last of the instructions. After the jury has reached a verdict and been discharged, the originals and copies of all instructions, whether given, modified or refused, shall be made part of the trial court record.~~

~~(3) The court shall instruct the jury before the parties' arguments to the jury, but this shall not prevent the giving of further instructions that may become~~

~~necessary by reason of the argument. The jury shall be permitted to take to the jury room the written instructions given by the court, or a true copy thereof.~~

~~(3) The court and the parties must make a record of the instructions that were proposed, that the court rejected or modified, and that the court gave to the jury. If the court modifies an instruction, the court must clearly indicate how the instruction was modified.~~

(c) Objections.

~~(1) How to Make. A party who objects to an instruction or the failure to give an instruction must do so on the record, stating distinctly the matter objected to and the grounds of the objection for the objection. If a party relies on any statute, rule, case law, or other legal authority to object to a requested instruction, the party must cite each legal authority or provide a copy of it.~~

~~(2) When to Make. An objection is timely if:~~

~~(A) a party that has been objects at the opportunity provided under Rule 51(b)(2); or~~

~~(B) a party was not informed of an instruction or action on a request before the jury is instructed that opportunity to object, and before final arguments to the jury, as provided by Rule 51(b)(1)(A), objects at the opportunity for objection required by Rule 51(b)(1)(B); or~~

~~(B) a party that has not been informed of an instruction or action on a request before the time for objection provided under Rule 51(b)(1)(B) party objects promptly after learning that the instruction or request will be, or has been, given or refused.~~

(d) Giving Instructions.

~~(1) The court must instruct the jury before the parties' closing arguments to the jury.~~

~~(2) The court may also give the jury further instructions that may become necessary by reason of the argument.~~

(3) The final instructions given to the jury must be bound together in the order given and the court must sign the last instruction. The court must provide the original instructions or a copy of them to the jury.

(4) After the jury has reached a verdict and been discharged, the originals and copies of all given instructions must be made part of the trial court record.

(e) Assigning Error; Plain Error.

(1) Assigning Error. A party may assign as error:

(A) an error in an instruction actually given, if that party ~~made a proper objection under Rule 51(e),~~ properly objected; or

(B) a failure to give an instruction, if that party ~~made a proper~~ properly requested it and—~~unless the court rejected the request under Rule 51(a), and, if the court did not make in~~ a definitive ruling on the record ~~rejecting the request, also made a proper objection under Rule 51(e).~~—also properly objected.

(2) Plain Error. A court may consider a plain error in the instructions ~~affecting substantial rights that has not been preserved as required by Rule 51(d)(1)(A) or (B).~~ e)(1) if the error affects substantial rights.

(ef) Scope.

(1) Preliminary Instructions. Nothing in this rule prevents a party from requesting, or a court from giving, preliminary instructions to the jury. A request for preliminary jury instructions must be made at any reasonable time that the court orders. If preliminary instructions are requested or given, the court and the parties must comply with Rules 51(a)(3), 51(b), and 51(d)(4), as applicable.

(2) Other Instructions. This rule governs instructions to the trial jury on the law that governs the verdict. Other instructions, including preliminary instructions to a venire and cautionary or limiting instructions delivered in immediate response to events at trial, are not within the scope of this rule.

~~RULE 52. FINDINGS BY THE COURT; JUDGMENT ON PARTIAL FINDINGS~~

Rule 52. Findings and Conclusions by the Court; Judgment on Partial Findings

(a) Effect. Findings and Conclusions.

(1) In all actions General. In an action tried upon the facts without a jury or with an advisory jury, the court shall ~~must~~ find the facts specially and state separately ~~its conclusions of law thereon and judgment shall~~ separately. The findings and conclusions may be stated on the record after the close of the evidence or may appear in an opinion or a memorandum of decision filed by the court. Judgment must be entered pursuant to ~~under~~ Rule 58; and in.

(2) For an Interlocutory Injunction. In granting or refusing an interlocutory ~~injunctions~~ injunction, the court shall ~~must~~ similarly set forth ~~state~~ the findings of fact and conclusions of law which constitute the grounds of ~~that~~ support its action. ~~Requests for findings are not necessary for purposes of review.~~

(3) For a Motion. The court is not required to state findings or conclusions when ruling on a motion under Rule 12 or 56 or, unless these rules provide otherwise, on any other motion.

(4) Effect of a Master's Findings. A master's findings, to the extent adopted by the court, must be considered the court's findings.

(5) Questioning the Evidentiary Support. A party may later question the sufficiency of the evidence supporting the findings, whether or not the party requested findings, objected to them, moved to amend them, or moved for partial findings.

(6) Setting Aside the Findings. Findings of fact shall, whether based on oral or other evidence, must not be set aside unless clearly erroneous, and the reviewing court must give due regard shall be given to the trial court's opportunity of the trial court to judge the witnesses' credibility of the witnesses. The findings of

~~a master, to the extent that the court adopts them, shall be considered as the findings of the court. It will be sufficient if the findings of fact and conclusions of law are stated orally and recorded in open court following the close of the evidence or appear in an opinion or memorandum of decision filed by the court. Findings of fact and conclusions of law are unnecessary on decisions of motions under Rules 12 or 56 or any other motion except as provided in subdivision (e) of this rule. But an order granting summary judgment shall set forth the undisputed material facts and legal determinations on which the court granted summary judgment.~~

~~(b) Amendment. Upon Amended or Additional Findings. On a party's motion filed ~~not~~no later than ~~10~~28 days after service of written notice of entry of judgment, the court may amend its findings—or make additional findings—and may amend the judgment accordingly. The time for filing the motion cannot be extended under Rule 6(b). The motion may accompany a motion for a new trial under Rule 59. ~~When findings of fact are made in actions tried without a jury, the sufficiency of the evidence supporting the findings may later be questioned whether or not in the district court the party raising the question objected to the findings, moved to amend them, or moved for partial findings.~~~~

~~(c) **Judgment on Partial Findings.** If during a trial without a jury a party has been fully heard on an issue during a nonjury trial and the court finds against the party on that issue, the court may enter judgment as a matter of law against ~~that~~the party with respect to on a claim or defense that ~~cannot,~~ under the controlling law, can be maintained or defeated ~~without~~only with a favorable finding on that issue, ~~or the.~~ The court may, however, decline to render any judgment until the close of all the evidence. ~~Such a~~A judgment shall on partial findings must be supported by findings of fact and conclusions of law as required by subdivision (a) of this rule. Rule 52(a).~~

RULE Rule 53. MASTERS Masters

(a) Appointment and Compensation In General.

~~(1) The court in which any action is pending may appoint a special master therein. **Nomenclature.** As used in these rules the word "master" includes a master, referee, an auditor, an examiner, and an assessor. The compensation to be allowed to assessor.~~

~~(2) **Scope.** Unless a statute provides otherwise, a court may appoint a master shall be fixed only to:~~

~~(A) perform duties consented to by the court, and shall be charged upon such of the parties;~~

~~(B) address pretrial or paid-outposttrial matters that cannot be effectively and timely addressed by an available judge; or~~

~~(C) in actions or on issues to be decided without a jury, hold trial proceedings and recommend findings of fact, conclusions of any fund or subject matter of the action, which is in the custody law, and control a judgment if appointment is warranted by:~~

~~(i) some exceptional condition; or~~

~~(ii) the need to perform an accounting or resolve a difficult computation of damages.~~

~~(3) **Possible Expense or Delay.** In appointing a master, the court as must consider the fairness of imposing the likely expenses on the parties and must protect against unreasonable expense or delay.~~

(b) Appointing a Master.

~~(1) **Stipulation.** By stipulation approved by the court, the parties may direct agree to have a master appointed. The master shall not retain stipulation may specify how the master's report as security for the master's compensation; but when the party ordered to pay findings of fact will be reviewed or whether the compensation allowed by the court does not pay it after notice and within the time prescribed by~~

~~the court, the master is entitled to a writ of execution against the delinquent party findings will be final and not reviewable.~~

~~(2)~~ (2) **Motion.** Any party may move to have a master appointed, or the court may issue an order to show cause.

~~(3)~~ (3) **Objections.** Any party may object to ~~the~~ master's appointment of any person as a master on one or more of the following grounds:

1. ~~(A) a~~ want of any of the qualifications prescribed by statute to render a person competent as a juror;

2. ~~Consanguinity~~ (B) consanguinity or affinity within the third degree to either party;

3. ~~Standing~~ (C) standing in the relation of guardian and ward, master and servant, employer and clerk, or principal and agent to either party, or being a member of the family of either party, or a partner in business with either party, or being security on any bond or obligation for either party;

4. ~~Having~~ (D) having served as a juror or been a witness on any trial between the same parties for the same cause of action, or being then a witness in the cause;

5. ~~Interest~~ (E) interest on the part of such person in the event of the action, or in the main question involved in the action;

6. ~~Having~~ (F) having formed or expressed an unqualified opinion or belief as to the merits of the actions; or

7. ~~The~~ (G) the existence of a state of mind in such person evincing enmity against or bias to either party.

~~(b) Reference.~~ A reference to a master shall be the exception and not the rule. In actions to be tried by a jury, a reference shall be made only when the issues are complicated; in actions to be tried without a jury, save in matters of account and of difficult computation of damages, a reference shall be made only upon a showing that some exceptional condition requires it.

~~(e) Powers.~~ (4) Disqualification.

(A) A master must file with the court an affidavit disclosing whether there is any ground for his or her disqualification under Rule 2.11 of the Revised Nevada Code of Judicial Conduct.

(B) If a ground is disclosed, the master must be disqualified unless the parties, with the court's approval, waive the master's disqualification.

(c) Order Appointing a Master.

(1) Mandatory Provisions. The appointing order must state:

(A) the master's duties, including any investigation or enforcement duties, and any limits on the master's authority under Rule 53(d);

(B) the circumstances, if any, in which the master may communicate ex parte with the court or a party;

(C) the nature of the materials to be preserved and filed as the record of the master's activities;

(D) the method of filing the record, other procedures, and any criteria for the master's findings and recommendations; and

(E) the basis, terms, and procedure for fixing the master's compensation under Rule 53(g).

~~(2) Optional Provisions. The order of reference to the master may specify or limit the master's powers and appointing order may:~~

~~(A) direct the master to report only upon particular issues or to do or perform particular acts or;~~

~~(C) direct the master to receive and report evidence only and may fix;~~

~~(D) specify the time and place for beginning and closing the hearings; and for~~

~~(E) specify the filing of time in which the master's master must file his report. Subject and recommendations.~~

(3) Service on the Master. Unless otherwise ordered by the court, the moving party must serve the appointment order on the master.

(4) Amending. The order may be amended at any time after notice to the specifications and limitations stated in the order, the master has parties and shall exercise the power an opportunity to be heard.

(d) Master's Authority.

(1) In General.

(A) Unless the appointing order directs otherwise, a master may:

(i) regulate all proceedings in every hearing before the master and to do all acts and take all measures necessary or proper for the efficient performance of the master's duties under the order. The master may require the production before the master of;

(ii) take all appropriate measures to perform the assigned duties fairly and efficiently; and

(iii) exercise the appointing court's power to compel, take, and record evidence upon all matters embraced in the reference, including the production of all books, papers, vouchers, documents, and writings applicable thereto. The master may rule upon the admissibility of evidence unless otherwise directed by the order of reference and has the authority to put witnesses on oath and may examine them and may call the parties to the action and examine them upon oath, including the issuance of subpoenas as provided in Rule 45.

(B) When a party so requests, the a master shall must make a record of the evidence offered and excluded in the same manner and subject to the same limitations as provided in Rule 43(c) and statutes for a court sitting without a jury.

(d) Proceedings.

~~(1) Meetings.~~ When a reference is made, the clerk shall forthwith furnish the master with a copy of the order of reference. Upon receipt thereof unless the order of reference otherwise provides, the (2) Diligence.

(A) The master must proceed with all reasonable diligence.

(B) The master shall forthwith set a time and place for the first meeting of the parties or their attorneys to be held within 2021 days after the date of the order of reference appointing the master and shall notify the parties or their attorneys. ~~It is the duty of the master to proceed with all reasonable diligence.~~

(C) If a party fails to appear at the appointed time and place, the master may proceed ex parte or adjourn the proceedings to a future day, giving notice to the absent party.

(D) Either party, on notice to the parties and master, may apply to the court for an order requiring the master to speed the proceedings and to make the report. If a party fails to appear at the time and place appointed, the master may proceed ex parte or, in the master's discretion, adjourn the proceedings to a future day, giving notice to the absent party of the adjournment. a report.

~~(2) Witnesses.~~ The parties may procure the attendance of witnesses before the master by the issuance and service of subpoenas as provided in Rule 45. If without adequate excuse a witness fails to appear or give evidence, the witness may be punished as for a contempt and be subjected to the consequences, penalties, and remedies provided in Rules 37 and 45.

(3) Statement of Accounts.

(A) When matters of accounting are in issue before a master, the master, the master may;

(i) prescribe the form in which the accounts shall be submitted and in any proper case may; or

~~_____ (ii) require or receive in evidence a statement by a certified public accountant who is called as a witness. Upon objection of a party to any of the items thus submitted or upon a showing that the form of statement is insufficient, the master may require a different form of statement to be furnished, or the accounts or specific items thereof to be proved by oral examination of the accounting parties or upon written interrogatories or in such other manner as the master directs.~~

~~_____ (e) Report.~~

~~_____ (B) Upon objection to the items submitted or a showing that the form insufficient, the master may:~~

- ~~_____ (i) require a different form of statement to be furnished; or~~
- ~~_____ (ii) hold an evidentiary hearing and receive evidence concerning the accounts; or~~
- ~~_____ (iii) require written interrogatories; or~~
- ~~_____ (iv) receive evidence concerning the accounts in any other manner that the master directs.~~

~~_____ (e) Masters' Reports and Recommendations.~~

~~(1) ~~Contents and Filing.~~ The In General. Unless ordered otherwise, a master shall must:~~

~~_____ (A) prepare a report and recommendations upon the matters submitted to the master by in accordance with the appointing order of reference and;~~

~~_____ (B) if required to make findings of fact and conclusions of law, the master shall set them forth in the report. The master shall and recommendation;~~

~~_____ (C) promptly file the report with the clerk of the court and in an action to be tried without a jury, unless otherwise directed by the order of reference, shall and recommendation;~~

~~(D) file with it the report and recommendation the original exhibits and a transcript of the proceedings and of the evidence and the original exhibits. Unless otherwise directed by the order of reference, the master shall evidence; and~~

~~(E) serve a copy of the report and recommendation on each party.~~

~~(2) In Nonjury Actions. In an action to be tried without a jury the court shall accept the master's findings of fact unless clearly erroneous. Within 10 days after being served with notice of the filing of the report any party may serve written objections thereto upon the other parties. Application to the court for action upon the report and upon objections thereto shall be by motion and upon notice as prescribed in Rule 6(d). The court after hearing may adopt the report or may modify it or may reject it in whole or in part or may receive further evidence or may recommit it with instructions.~~

~~(2) Sanctions. The master's report and recommendations may recommend sanctions or a party or a nonparty under the applicable rules.~~

~~(3) In Jury Actions. In an action to be tried by a jury the master shall not be directed to report the evidence. The master's findings upon the issues submitted to the master are admissible as evidence of the matters found and may be read to the jury, subject to the ruling of the court upon any objections in point of law which may be made to the report.~~

~~(4) Stipulation as to Findings. The effect of a master's report is the same whether or not the parties have consented to the reference; but, when the parties stipulate that a master's findings of fact shall be final, only questions of law arising upon the report shall thereafter be considered.~~

~~(5) Draft Report. Before filing a report and recommendations, a master may submit a draft thereof to counsel for all parties for the purpose of receiving to obtain their suggestions.~~

~~(f) Action on the Master's Order, Report, or Recommendations.~~

~~(1) Time to Object or Move to Adopt or Modify.~~

(A) A party may file and serve objections to—or a motion to adopt or modify—the master’s report and recommendations no later than 14 days after the report is served.

(B) If objections are filed, any other party may file and serve a reply within 7 days after being served with the objections.

(C) If no party files objections or a motion, the court may adopt the master’s report and recommendations without a hearing.

(D) The court may set different times to move, object, or respond.

(2) Court Review.

(A) Unless the parties have otherwise stipulated under Rule 53(b)(1), upon receipt of a master’s report and any motions, objections, and replies, the court may:

(i) adopt, reverse, or modify the master’s ruling without a hearing;

(ii) set the matter for a hearing; or

(iii) remand the matter to the master for reconsideration or further action.

(B) If the parties have stipulated how a master’s findings of fact should be reviewed or that the findings should be final, the court must apply the parties’ stipulation to the findings of fact.

(g) Compensation.

(1) **Basis and Terms of Compensation.** The basis and terms of a master’s compensation must be fixed by the court in the appointing order and must be paid either:

(A) by a party or parties; or

(B) from a fund or subject matter of the action within the court’s control.

(2) Allocating Costs. The court must allocate payment among the parties after considering the nature and amount of the controversy, the parties' means, and the extent to which any party is more responsible than other parties for the reference to a master. An interim allocation may be amended to reflect a decision on the merits.

(3) Amending Compensation. The court may change the basis and terms of the master's compensation upon motion or by issuing an order to show cause.

(4) Enforcing Payment. The master may not retain the master's report as security for the master's compensation. If a party ordered to pay the compensation allowed by the court does not pay it after notice and within the time prescribed by the court, the master is entitled to a writ of execution against the delinquent party.

(h) Standing Masters.

(1) By local rule approved by the Nevada Supreme Court or as authorized by the Nevada Revised Statutes, a judicial district may appoint a master to whom multiple matters may be referred.

(2) Unless otherwise specified by rule or statute, the master has the powers of a master under Rule 53(d). The master must issue a report and recommendation under Rule 53(e) that may be reviewed under Rule 53(f).

(3) The master's compensation must be fixed by the judicial district and paid out of appropriations made for the expenses of the judicial district.

VII. JUDGMENT

~~RULE 54. JUDGMENTS; ATTORNEY FEES~~

Rule 54. Judgments; Attorney Fees (ALTERNATE 1)

(a) **Definition; Form.** "Judgment" as used in these rules includes a decree and any order from which an appeal lies. A judgment ~~shall~~should not contain~~include~~

a recital of pleadings, ~~thea master's report of a master, or thea record of prior proceedings.~~

(b) Judgment on Multiple Claims or Involving Multiple Parties. ~~When~~When an action presents more than one claim for relief—whether as a claim, counterclaim, crossclaim, or third-party claim—or when multiple parties are involved, the court may direct ~~the~~ entry of a final judgment as to one or more, but fewer than all ~~of the, claims or parties only upon an express determination~~if the court expressly determines that there is no just reason for delay ~~and upon an express direction for the entry of judgment. In the absence of such determination and direction.~~ Otherwise, any order or other form of decision, however designated, ~~which~~that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties ~~shall~~does not terminate~~end~~ the action as to any of the claims or parties, ~~and the order or other form of decision is subject to revision and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities of all the parties.~~

(c) Demand for Judgment; Relief to Be Granted. ~~A judgment by default shall~~judgment must not be different~~differ~~ in kind from, or exceed in amount ~~that prayed for,~~ what is demanded in the demand for judgment~~pleadings~~, except that where the prayer is for unspecified damages in excess of \$10,000 the judgment shall be in such amount ~~as~~under Rule 8(a)(4) the court shall~~must~~ determine. ~~Except as to a party against whom a judgment is entered by default, every~~ the amount of the judgment. ~~Every other~~ final judgment shall~~should~~ grant the relief to which ~~the~~each party in whose favor it is rendered is entitled, even if the party has not demanded such relief in the party's~~sits~~ pleadings.

(d) Attorney Fees.

(1) Reserved.

(2) Attorney Fees.

(A) **Claim to Be by Motion.** A claim for attorney fees must be made by motion. The ~~district court~~ may decide ~~the~~ a post-judgment motion for attorney fees despite the existence of a pending appeal from the underlying final judgment.

(B) **Timing and Contents of the Motion.** Unless a statute or a court order provides otherwise, the motion must:

_____ (i) be filed no later than 2021 days after notice of entry of judgment is served;

_____ (ii) specify the judgment and the statute, rule, or other grounds entitling the movant to the award;

_____ (iii) state the amount sought or provide a fair estimate of it;

_____ (iv) disclose, if the court so orders, the non-privileged financial terms of any agreement about fees for the services for which the claim is made; and

_____ (v) be supported by:

_____ (a) counsel's affidavit swearing that the fees were actually and necessarily incurred and were reasonable, documentation concerning the amount of fees claimed, and points and authorities addressing appropriate factors to be considered by the court in deciding the motion. The time for filing the motion may not be extended by the court after it has expired;

_____ (b) documentation concerning the amount of fees claimed; and

_____ (c) points and authorities addressing the appropriate factors to be considered by the court in deciding the motion.

(C) **Extensions of Time.** The court may not extend the time for filing the motion after the time has expired.

_____ (D) **Exceptions.** Subparagraphs (Rules 54(d)(2)(A)-(C) and (B) do not apply to claims for attorney fees and expenses as sanctions pursuant to a rule or

statute, or when the applicable substantive law requires attorney fees to be proved at trial as an element of damages.

VII. JUDGMENT

~~RULE 54. JUDGMENTS; ATTORNEY FEES~~

Rule 54. Judgments; Attorney Fees (ALTERNATE 2)

(a) **Definition; Form.** “Judgment” as used in these rules includes a decree and any order from which an appeal lies. A judgment ~~shall~~should not ~~contain~~include a recital of pleadings, ~~the~~a master’s report of a master, or ~~the~~a record of prior proceedings.

(b) **Judgment on Multiple Claims or Involving Multiple Parties.** ~~When~~When an action presents more than one claim for relief—whether as a claim, counterclaim, crossclaim, or third-party claim—or when multiple parties are involved, the court may direct ~~the~~ entry of a final judgment as to one or more, but fewer than all of the claims or parties only upon an express determination if the court expressly determines that there is no just reason for delay ~~and upon an express direction for the entry of judgment. In the absence of such determination and direction. An appellate court may review whether a judgment was properly certified under this Rule. Otherwise, any order or other form of decision, however designated, which that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties shall does not terminate end the action as to any of the claims or parties, and the order or other form of decision is subject to revision and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties’ rights and liabilities of all the parties.~~

(c) **Demand for Judgment; Relief to Be Granted.** A default judgment by default shall must not be different differ in kind from, or exceed in amount that prayed for, what is demanded in the demand for judgment pleadings, except that where the prayer is for unspecified damages in excess of \$10,000 the judgment shall be in such

~~amount as under Rule 8(a)(4) the court shall must determine. Except as to a party against whom a judgment is entered by default, every the amount of the judgment. Every other final judgment shall should grant the relief to which the each party in whose favor it is rendered is entitled, even if the party has not demanded such relief in the party's its pleadings.~~

(d) Attorney Fees.

(1) Reserved.

(2) Attorney Fees.

(A) Claim to Be by Motion. A claim for attorney fees must be made by motion. The ~~district court~~ may decide ~~the a~~ post-judgment motion for attorney fees despite the existence of a pending appeal from the underlying final judgment.

(B) Timing and Contents of the Motion. Unless a statute or a court order provides otherwise, the motion must:

(i) be filed no later than 2021 days after notice of entry of judgment is served;

(ii) specify the judgment and the statute, rule, or other grounds entitling the movant to the award;

(iii) state the amount sought or provide a fair estimate of it;

(iv) disclose, if the court so orders, the non-privileged financial terms of any agreement about fees for the services for which the claim is made; and

(v) be supported by:

(a) counsel's affidavit swearing that the fees were actually and necessarily incurred and were reasonable, documentation concerning the amount of fees claimed, and points and authorities addressing appropriate factors to be considered by the court in deciding the motion. The time for filing the motion may not be extended by the court after it has expired;

(b) documentation concerning the amount of fees claimed; and

(c) points and authorities addressing the appropriate factors to be considered by the court in deciding the motion.

(C) Extensions of Time. The court may not extend the time for filing the motion after the time has expired.

(D) Exceptions. Subparagraphs (Rules 54(d)(2)(A)-(C) and (B) do not apply to claims for attorney fees and expenses as sanctions pursuant to a rule or statute, or when the applicable substantive law requires attorney fees to be proved at trial as an element of damages.

RULE 55. DEFAULT; Default Judgment

(a) Entry Entering a Default. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend as provided by these rules, and that fact failure is made to appear shown by affidavit or otherwise, the clerk shall must enter the party's default.

(b) Entering a Default Judgment. Judgment by default may be entered as follows:

(1) By the Clerk. WhenIf the plaintiff's claim against a defendant is for a sum certain or for a sum whichthat can by computation be made certain by computation, the clerk upon on the plaintiff's request of the plaintiff and upon, with an affidavit of showing the amount due shall must enter judgment for that amount and costs against thea defendant, if the defendant who has been defaulted for failure to appear and is not an infant or incompetent appearing and who is neither a minor nor an incapacitated person.

(2) By the Court. In all other cases, the party entitled to a judgment by default shall must apply to the court therefor; but no for a default judgment. A default judgment by default shall may be entered against an infanta minor or

~~incompetent/incapacitated person unless only if represented in the action by a general guardian, guardian ad litem, conservator, or other such representative like fiduciary who has appeared therein. If the party against whom a default judgment by default is sought has appeared in the action, the personally or by a representative, that party (or, if appearing by its representative, the party's representative) shall must be served with written notice of the application for judgment at least 37 days prior to before the hearing on such application. If, in order to enable the court to enter judgment or to carry it into effect, it is necessary to take an account or to determine the amount of damages or to establish the truth of any averment by evidence or to make an investigation of any other matter, the. The court may conduct such hearings or order such references as it deems necessary and proper and shall accord a make referrals—preserving any statutory right of to a jury trial by jury to the parties— when and as required by any statute of the State., to enter or effectuate judgment, it needs to:~~

~~_____ (A) conduct an accounting;~~

~~_____ (B) determine the amount of damages;~~

~~_____ (C) establish the truth of any allegation by evidence; or~~

~~_____ (D) investigate any other matter.~~

~~(c) **Setting Aside a Default.** For good cause shown the or a Default Judgment. The court may set aside an entry of default and, if a judgment by default has been entered, for good cause, and it may likewise set it aside in accordance with a final default judgment under Rule 60:(b).~~

~~(d) **Plaintiffs, Counterclaimants, Cross-Claimants.** The provisions of this rule apply whether the party entitled to the judgment by default is a plaintiff, a third-party plaintiff, or a party who has pleaded a cross-claim or counterclaim. **Default Judgment Damages.** In all cases a judgment by default is subject to the limitations of Rule 54(c).~~

~~(e) Judgment Against the State. No default judgment by default shall~~ **(e) Judgment Against the State.** ~~may be entered against the State or an officer or agency thereof unless, its officers, or its agencies only if the claimant establishes a claim or right to relief by evidence satisfactory to the court~~ that satisfies the court.

~~RULE~~ **Rule 56. SUMMARY JUDGMENTS** Summary Judgment

~~(a) For Claimant. Motion for Summary Judgment or Partial Summary Judgment. A party seeking to recover upon a claim, counterclaim, or cross-claim or to obtain a declaratory judgment may, at any time after the expiration of 20 days from the commencement of the action or after service of a motion~~ move for summary judgment by the adverse party, with or without supporting affidavits for a summary judgment in the party's favor upon all or any part thereof.

~~(b) For Defending Party. A party against whom a claim, counterclaim, or cross-claim is asserted or a declaratory judgment is sought may, at any time, move with or without supporting affidavits for a summary judgment in the party's favor as to all or any part thereof.~~

~~(c) Motion and Proceedings Thereon. The motion shall be served at least 10 days before the time fixed for the hearing. Motions for summary judgment and responses thereto shall include a concise statement setting forth, identifying each fact material to claim or defense~~ or the disposition part of the motion each claim or defense on which the party claims is or is not genuinely in issue, citing the particular portions of any pleading, affidavit, deposition, interrogatory, answer, admission, or other evidence upon which the party relies. The judgment sought shall be rendered forthwith with summary judgment is sought. The court shall grant summary judgment if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that movant shows that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. A summary judgment, interlocutory in

character, may be rendered on the issue of liability alone although there is a genuine issue as to the amount of damages. An order granting summary judgment shall set forth the undisputed material facts and legal determinations on which the court granted summary judgment.

~~—— (d) Case Not Fully Adjudicated on Motion. If on motion under this rule judgment is not rendered upon the whole case or for all the relief asked and a trial is necessary, the The court at the hearing of the motion, by examining the pleadings and the evidence before it and by interrogating counsel, shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. It shall thereupon make an order specifying the facts that appear without substantial controversy, including the extent to which the amount of damages or other relief is not in controversy, and directing such further proceedings in the action as are just. Upon the trial of the action the facts so specified shall be deemed established, and the trial shall be conducted accordingly~~ should state the reasons for granting or denying the motion in its written order.

~~—— (e) Form of Affidavits; Further Testimony; Defense Required. Supporting and opposing affidavits shall be made on personal knowledge, shall set forth such facts as would be admissible in evidence, and shall show affirmatively that the affiant is competent to testify to the matters stated therein. Sworn or certified copies of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith. The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not rest upon the mere allegations or denials of the adverse party's pleading, but the adverse party's response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that there is a genuine issue for trial. If the adverse party does not so respond, summary~~

judgment, if appropriate, shall be entered against the adverse party.

~~_____~~ **(f) When Affidavits** **(b) Time to File a Motion.** Unless a different time is set by local rule or the court orders otherwise, a party may file a motion for summary judgment at any time until 30 days after the close of all discovery.

~~_____~~ **(c) Procedures.**

~~_____~~ **(1) Supporting Factual Positions.** A party asserting that a fact cannot be or is genuinely disputed must support the assertion by:

~~_____~~ (A) citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials; or

~~_____~~ (B) showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.

~~_____~~ **(2) Objection That a Fact Is Not Supported by Admissible Evidence.** A party may object that the material cited to support or dispute a fact cannot be presented in a form that would be admissible in evidence.

~~_____~~ **(3) Materials Not Cited.** The court need consider only the cited materials, but it may consider other materials in the record.

~~_____~~ **(4) Affidavits or Declarations.** An affidavit or declaration used to support or oppose a motion must be made on personal knowledge, set out facts that would be admissible in evidence, and show that the affiant or declarant is competent to testify on the matters stated.

~~_____~~ **(d) When Facts Are Unavailable.** Should to the Nonmovant. If a nonmovant shows by affidavit or declaration that, for specified reasons, it appear from the affidavits of a party opposing the motion that the party cannot for reasons stated cannot present by affidavit facts essential to justify the party's opposition, the court may refuse the application for judgment;

(1) defer considering the motion or deny it;

(2) allow time to obtain affidavits or declarations or may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had or may make such to take discovery; or

(3) issue any other appropriate order.

(e) **Failing to Properly Support or Address a Fact.** If a party fails to properly support an assertion of fact or fails to properly address another party's assertion of fact as required by Rule 56(c), the court may:

(1) give an opportunity to properly support or address the fact;

(2) consider the fact undisputed for purposes of the motion;

(3) grant summary judgment if the motion and supporting materials—including the facts considered undisputed—show that the movant is entitled to it; or

(4) issue any other appropriate order.

(f) **Judgment Independent of the Motion.** After giving notice and a reasonable time to respond, the court may:

(1) grant summary judgment for a nonmovant;

(2) grant the motion on grounds not raised by a party; or

(3) consider summary judgment on its own after identifying for the parties material facts that may not be genuinely in dispute.

(g) **Failing to Grant All the Requested Relief.** If the court does not grant all the relief requested by the motion, it may enter an order as is just stating any material fact—including an item of damages or other relief—that is not genuinely in dispute and treating the fact as established in the case.

(g) **Affidavits Made** (h) **Affidavit or Declaration Submitted in Bad Faith.** Should it appear to the satisfaction of the court at any time that any of the affidavits presented pursuant to this rule are presented If satisfied that an affidavit or declaration under this rule is submitted in bad faith or solely for the purpose of delay, the court shall forthwith—after notice and a reasonable time to respond—may

~~order the submitting party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused the other party to incur, including reasonable, including attorney's fees, and anyit incurred as a result. An offending party or attorney may also be adjudged guilty ofheld in contempt or subjected to other appropriate sanctions.~~

RULE Rule 57. DECLARATORY JUDGMENTS Declaratory Judgment

~~—The~~ These rules govern the procedure for obtaining a declaratory judgment pursuant to statute, shall be in accordance with these rules, and the right to trial by jury may be demanded under the circumstances and in the manner provided in NRS Chapter 30 or any other state law. Rules 38 and 39 govern a demand for a jury trial. The existence of another adequate remedy does not preclude a judgment for declaratory relief in cases where it judgment that is otherwise appropriate. The court may order a speedy hearing of an action for a declaratory judgment and may advance it on the calendar action.

RULE Rule 58. ENTRY OF JUDGMENT

~~—(a) Entering Judgment. Subject to the provisions of Rule 54(b):~~

~~— (ALTERNATE 1) upon a general verdict of a jury, or upon a decision by the court that a party shall recover only a sum certain or costs or that all relief shall be denied, the court shall sign the judgment and the judgment shall be filed by the clerk;~~

~~— (2) upon a decision by the court granting other relief, or upon a special verdict or a general verdict accompanied by answers to interrogatories, the court shall promptly approve the form and sign the judgment, and the judgment shall be filed by the clerk.~~

The court shall designate a party to serve notice of entry of the

(a) Separate Document. Every judgment and amended judgment must be set out in a separate document, but a separate document is not required for an order disposing of a motion:

(1) for judgment on the other parties under subdivision (e).

Rule 50(b)-

(2) to amend or make additional findings under Rule 52(b)

(3) for attorney fees under Rule 54;

(4) for a new trial, or to alter or amend the judgment, under Rule 59; or

(5) for relief under Rule 60.

(b) Entering Judgment in Other Cases. Except,

(1) Subject to Rule 54(b) and except as provided in subdivision (b)(1) of Rule 55, (b)(1), all judgments shall must be approved and signed by the judge court and filed with the clerk.

(2) The court should designate a party to serve notice of entry of judgment on the other parties under Rule 58(f).

(c) When Judgment Entered. The filing with the clerk of a judgment, signed by the judge court, or by the clerk, as the case may be, constitutes the entry of such the judgment, and no judgment shall be is effective for any purpose until the entry of the same, as hereinbefore provided it is entered. The entry of the judgment shall may not be delayed for the taxing of costs.

(d) Judgment Roll. The judgment, as signed and filed, shall constitute constitutes the judgment roll.

~~(e)~~ **(e) Request for Entry.** A party may request that judgment be set out in a separate document as required by Rule 58(a).

(f) Notice of Entry of Judgment.

(1) Within 1014 days after entry of a judgment or an order, the a party designated by the court under subdivision Rule 58(a)(b)(2) shall must serve written notice of such entry, together with a copy of the judgment or order, upon each party

who is not in default for failure to appear and ~~shall~~must file the notice of entry with the clerk of the court. Any other party, or the court in family law cases, may ~~in addition~~also serve and file a notice of such entry. Service ~~shall~~must be made ~~in the manner~~as provided in Rule 5(b) ~~for the service of papers.~~

~~_____~~ (2) Failure to serve notice of entry does not affect the validity of the judgment, but the judgment may not be executed upon until ~~such~~ notice of its entry is served.

~~RULE~~Rule 58. ENTRY OF JUDGMENT

~~_____~~ (a) ~~Entering Judgment.~~ (ALTERNATE 2)

~~_____~~ (a) Entering Judgment.

~~_____~~ (1) ~~Subject to the provisions of Rule 54(b):~~

~~_____~~ (1) ~~upon a general verdict of a jury, or upon a decision by the~~ and except as provided in Rule 55(b)(1), all judgments must be approved and signed by the court that a party shall recover only a sum certain or costs or that all relief shall be denied, the court shall sign the judgment and the judgment shall be filed by the clerk; and filed with the clerk.

~~_____~~ (2) ~~upon a decision by the court granting other relief, or upon a special verdict or a general verdict accompanied by answers to interrogatories, the court shall promptly approve the form and sign the judgment, and the judgment shall be filed by the clerk.~~

~~_____~~ (2) The court ~~shall~~should designate a party to serve notice of entry of the judgment on the other parties under ~~subdivision~~ Rule 58(e).

~~_____~~ (b) ~~Judgment in Other Cases.~~ ~~Except as provided in subdivision (b)(1) of Rule 55, all judgments shall be signed by the judge and filed with the clerk.~~

~~_____~~ (b) Reserved.

(c) **When Judgment Entered.** The filing with the clerk of a judgment, signed by the ~~judge~~court, or by the clerk, ~~as the case may be~~ when authorized by these rules,

constitutes the entry of ~~such~~the judgment, and no judgment shall ~~be~~is effective for any purpose until ~~the entry of the same, as hereinbefore provided.~~it is entered. The entry of the judgment shall~~may~~ not be delayed for the taxing of costs.

(d) **Judgment Roll.** The judgment, as signed and filed, shall ~~constitute~~constitutes the judgment roll.

(e) **Notice of Entry of Judgment.**

_____ (1) Within ~~10~~14 days after entry of a judgment or an order, ~~the~~a party designated by the court under ~~subdivision (a) shall~~Rule 58(a)(2) must serve written notice of such entry, together with a copy of the judgment or order, upon each party who is not in default for failure to appear and ~~shall~~must file the notice of entry with the clerk of the court. Any other party, or the court in family law cases, may ~~in addition~~also serve and file a notice of such entry. Service shall~~must~~ be made ~~in the manner as~~ provided in Rule 5(b) ~~for the service of papers.~~).

_____ (2) Failure to serve notice of entry does not affect the validity of the judgment, but the judgment may not be executed upon until ~~such~~notice of its entry is served.

~~RULE~~Rule 59. ~~NEW TRIALS; AMENDMENT OF JUDGMENTS~~New trials; Amendment of Judgments

(a) In General.

_____ (1) **Grounds.** ~~A for New Trial.~~ The court may, on motion, grant a new trial may be granted to on all or any of the parties and on all or partssome of the issues ~~—and to any party—~~for any of the following causes or grounds materially affecting the substantial rights of ~~an aggrieved~~the party: ~~(1) making the motion:~~

_____ (A) Irregularity in the proceedings of the court, jury, master, or adverse party, or any order of the court, or master, or abuse of discretion by which either party was prevented from having a fair trial; ~~(2)~~

_____ (B) Misconduct of the jury or prevailing party; ~~(3)~~

_____ (C) Accident or surprise which ordinary prudence could not have guarded against; ~~(4)~~

_____ (D) Newly discovered evidence material for the party making the motion which the party could not, with reasonable diligence, have discovered and produced at the trial; ~~(5)~~

_____ (E) Manifest disregard by the jury of the instructions of the court; ~~(6)~~

_____ (F) Excessive damages appearing to have been given under the influence of passion or prejudice; or, ~~(7)~~

_____ (G) Error in law occurring at the trial and objected to by the party making the motion.

_____ (2) Further Action After a Nonjury Trial. On a motion for a new trial in an action tried without a jury, the court may open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new findings and conclusions, and direct the entry of a new judgment.

(b) ~~Time for to File a Motion for a New Trial.~~ A motion for a new trial ~~shall~~must be filed no later than ~~10~~28 days after service of written notice of ~~the~~ entry of ~~the~~ judgment.

(c) ~~Time for Serving to Serve Affidavits.~~ When a motion for a new trial is based ~~upon~~on affidavits, they ~~shall~~must be filed with the motion. The opposing party has ~~10~~14 days after service ~~within which being served to file opposing affidavits,~~ which period may be extended for an additional period not exceeding 20 days either by the court for good cause shown or by the parties by written stipulation. The court may permit reply affidavits.

(d) ~~On New Trial on the Court's Initiative; Notice; Specifying Grounds.~~ or for Reasons Not in the Motion. No later than ~~10~~28 days after service of written notice of entry of judgment, the court, on its own, may issue an order to show cause why a new trial should not be granted for any reason that would justify granting one

on a party's motion. After giving the parties notice and ~~an~~the opportunity to be heard, the court may grant a party's timely motion for a new trial for a reason not stated in the motion. ~~When granting a new trial on its own initiative or for a reason not stated in a motion~~In either event, the court shall~~must~~ specify the ~~grounds~~reasons in its order.

(e) **Motion to Alter or Amend a Judgment.** A motion to alter or amend ~~the~~a judgment ~~shall~~must be filed no later than ~~10~~28 days after service of written notice of entry of ~~the~~ judgment.

~~_____~~ (f) **No Extensions of Time.** ~~The 28-day time periods specified in this rule cannot be extended under Rule 6(b).~~

~~RULE~~Rule 60. ~~RELIEF FROM JUDGMENT OR ORDER~~

~~_____~~ ~~(Relief From a)~~ Judgment or Order

~~_____~~ (a) **Corrections Based on Clerical Mistakes.** ~~Clerical mistakes in judgments, orders or other parts of the record;~~ **Oversights and errors therein**~~Omissions.~~ The court may correct a clerical mistake or a mistake arising from oversight or omission may be corrected by the court at any time of its own initiative or on the ~~whenever one is found in a judgment, order, or other part of the record. The court may do so on motion of any party and after such or on its own, with or without notice, if any, as the court orders. During the pendency of.~~ But after an appeal, such mistakes may be so corrected before the appeal is ~~has been docketed in the appellate court, and thereafter while the appeal is pending, such a mistake may be so corrected only with leave of the appellate court~~court's leave.

(b) **Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, Etc.**Grounds for Relief from a Final Judgment, Order, or Proceeding. On motion and upon ~~such~~just terms ~~as are just,~~ the court may relieve a party or a party's ~~sits~~ legal representative from a final judgment, order, or proceeding for the following reasons:

- ~~_____ (1) mistake, inadvertence, surprise, or excusable neglect;~~
- ~~_____ (2) newly discovered evidence which by due that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);~~
- ~~_____ (3) fraud (whether heretofore denominated previously called intrinsic or extrinsic), misrepresentation or other misconduct of by an adverse party;~~
- ~~_____ (4) the judgment is void; or,~~
- ~~_____ (5) the judgment has been satisfied, released, or discharged, or a prior judgment upon which; it is based on an earlier judgment that has been reversed or otherwise vacated; or applying it prospectively is no longer equitable; or~~
- ~~_____ (6) any other reason that an injunction should have prospective application. The justifies relief.~~

(c) Timing and Effect of the Motion.

~~_____ (1) Timing. A motion shall under Rule 60(b) must be made within a reasonable time, and for reasons (1), (2), and (3) not no more than 6 months a year after the date of the proceeding was taken or the date that of service of written notice of entry of the judgment or order was served. A, whichever date is later. The time for filing the motion cannot be extended under this subdivision Rule 6(b)).~~

~~_____ (2) Effect on Finality. The motion does not affect the judgment's finality of a judgment or suspend its operation.~~

~~_____ (d) Other Powers to Grant Relief. This rule does not limit the a court's power of a court to:~~

~~_____ (1) entertain an independent action to relieve a party from a judgment, order, or proceeding; or to;~~

~~_____ (2) upon motion filed within 6 months after notice of entry of a default judgment is served, set aside the default judgment against a defendant who was not personally served with a summons and complaint and who has not appeared in the action, admitted service, signed a waiver of service, or otherwise waived service; or~~

(3) set aside a judgment for fraud upon the court.

(e) Bills and Writs Abolished. The following are abolished: bills of review, bills in the nature of bills of review, and writs of coram nobis, coram vobis, and audita querela, and bills of review and bills in the nature of a bill of review, are abolished, and the procedure for obtaining any relief from a judgment shall be by motion as prescribed in these rules or by an independent action.

~~(e) Default Judgments: Defendant Not Personally Served.~~ When a default judgment shall have been taken against any party who was not personally served with summons and complaint, either in the State of Nevada or in any other jurisdiction, and who has not entered a general appearance in the action, the court, after notice to the adverse party, upon motion made within 6 months after the date of service of written notice of entry of such judgment, may vacate such judgment and allow the party or the party's legal representatives to answer to the merits of the original action. When, however, a party has been personally served with summons and complaint, either in the State of Nevada or in any other jurisdiction, the party must make application to be relieved from a default, a judgment, an order, or other proceeding taken against the party, or for permission to file an answer, in accordance with the provisions of subdivision (b) of this rule.

~~(d) Default Judgments: Modification Nunc Pro Tunc.~~ Whenever a default judgment or decree has been entered, the party or parties in default therein may at any time thereafter, upon written consent of the party or parties in whose favor judgment or decree has been entered, enter general appearance in the action, and the general appearance so entered shall have the same force and effect as if entered at the proper time prior to the rendition of the judgment or decree. On such appearance being entered the court may make and enter a modified judgment or decree to the extent only of showing such general appearance on the part of the party or parties in default, and it shall be entered nunc pro tunc as of the date of the original judgment or decree; provided, however, that nothing herein contained shall

~~prevent the court from modifying such judgment or decree as stipulated and agreed in writing by the parties to such action, and in accordance with the terms of such written stipulation and agreement.~~

RULE 61. HARMLESS ERROR Harmless Error

~~No~~Unless justice requires otherwise, no error in either the admission admitting or the exclusion of excluding evidence and no error or defect in any ruling or order or in anything done or omitted other error by the court or by any of the parties a party—is ground for granting a new trial ~~or~~, for setting aside a verdict, or for vacating, modifying, or otherwise disturbing a judgment or order, ~~unless refusal to take such action appears to the court inconsistent with substantial justice. The court at. At every stage of the proceeding, the court must disregard any error or defect in the proceeding which does~~all errors and defects that do not affect the any party's substantial rights of the parties.

RULE 62. STAY OF PROCEEDINGS TO ENFORCE A JUDGMENT

Rule 62. Stay of Proceedings to Enforce a Judgment

(a) Automatic Stay; Exceptions— for Injunctions and Receiverships.

(1) In General. Except as stated herein ~~in this rule~~, no execution shall ~~may~~ issue ~~upon~~ a judgment, nor shall ~~may~~ proceedings be taken for its enforcement ~~to enforce it, until the expiration of 1030 days have passed after service of written notice of its entry. Unless, unless the court orders otherwise ordered by the court, an,~~

(2) Exceptions for Injunctions and Receiverships. An interlocutory or final judgment in an action for an injunction or ~~in a receivership action shall~~ is not be automatically stayed during the period after its entry and until an appeal is taken or during the pendency of an appeal. The provisions of subdivision

~~(e) of this rule govern the suspending, modifying, restoring, or granting of an injunction during the pendency of an appeal, unless the court orders otherwise.~~

~~(b) **Stay on Motion for New Trial or for Judgment.** In its discretion and on such conditions for the Pending the Disposition of Certain Postjudgment Motions. On appropriate terms for the opposing party's security of the adverse party as are proper, the court may stay the execution of on a judgment or any proceedings to enforce a judgment it pending the disposition of a motion for a new trial or to alter or amend a judgment made pursuant to Rule 59, or of a motion for relief from a judgment or order made pursuant to Rule 60, or of a motion for judgment in accordance with a motion for a any of the following motions:~~

~~_____ (1) under Rule 50, for judgment as a matter of law made pursuant to Rule 50, or of a motion for amendment to;~~

~~_____ (2) under Rule 52(b), to amend the findings or for additional findings made pursuant to Rule 52(b);~~

~~_____ (3) under Rule 59, for a new trial or to alter or amend a judgment; or~~

~~_____ (4) under Rule 60, for relief from a judgment or order.~~

~~(c) **Injunction Pending an Appeal.** When While an appeal is taken pending from an interlocutory order or final judgment granting, dissolving, that grants or denying refuses to grant, or dissolves or refuses to dissolve, an injunction, the court in its discretion may stay, suspend, modify, restore, or grant an injunction during the pendency of the appeal upon such terms as to bond or otherwise as it considers proper for the security of the on terms for bond or other terms that secure the opposing party's rights of the adverse party.~~

~~(d) **Stay Upon Pending an Appeal.** When by Bond or Other Security. If an appeal is taken the appellant by giving, a supersedeas bond may obtain party is entitled to a stay subject to by providing a bond or other security. Unless the court orders otherwise, the exceptions contained in subdivision (a) of this rule. The bond may be given at or after the time of filing the notice of appeal. The stay is~~

~~effectivetales effect when the supersedeascourt approves the bond or other security and remains in effect for the time specified in the bond is filed or other security.~~

~~(e) Stay in Favor of~~**Without Bond on Appeal by the State or Agency Thereof, or Officer thereof.** When an appeal is taken by the State or by any county, city, or town within the State, or an officer or agency thereof and the operation or enforcement of the judgment is stayed, no bond, obligation, or other security shall be required from the appellant.

~~(f) Reserved.~~

~~(g) Power of Appellate Court~~**Court's Power Not Limited.** ~~The provisions in this~~This rule does not limit any the power of an appellate court or one of a judgeits judges or justice thereofjustices:

~~_____ (1) to stay proceedings during the pendency of an appeal or to or suspend, modify, restore, or grant an injunction during the pendency of~~ _____ while an appeal is pending; or

~~_____ (2) to issue an appeal or to make any order appropriate to preserve the status quo or the effectiveness of the judgment subsequently to be entered.~~

~~(h) Stay of Judgment as to~~ **with Multiple Claims or Multiple Parties.** ~~When a court has ordered a final judgment under the conditions stated in Rule 54(b), the court~~ A court may stay the enforcement of thata final judgment entered under Rule 54(b) until the entering of a subsequentit enters a later judgment or judgments, and may prescribe such conditions as are terms necessary to secure the benefit thereof to of the stayed judgment for the party in whose favor it was entered.

RULERule 63. INABILITY OF A JUDGE TO PROCEEDJudge's Inability to Proceed

If a trial or hearing has been commenced and the judge conducting a hearing or trial is unable to proceed, any other judge may proceed with it upon certifying

familiarity with the record and determining that the proceedings in the case may be completed without prejudice to the parties. In a hearing or a nonjury trial without a jury, the successor judge ~~shall~~must, at the party's request of a party, recall any witness whose testimony is material and disputed and who is available to testify again without undue burden. The successor judge may also recall any other witness. But if such successor judge cannot perform these duties because the successor judge did not preside at the trial or for any other reason, the successor judge may, in that judge's discretion, grant a new trial.

VIII. PROVISIONAL AND FINAL REMEDIES AND SPECIAL PROCEEDINGS

RULE 64. SEIZURE OF PERSON OR PROPERTY Seizing a Person or Property

(a) Remedies—In General. At the commencement of and during the course of throughout an action, all remedies providing every remedy is available that, under state law, provides for seizure of seizing a person or property for the purpose of securing to secure satisfaction of the potential judgment ultimately to be entered in the action are available under the circumstances and in the manner provided by the law of the State.

(b) Specific Kinds of Remedies. The remedies thus available under this rule include the following:

- (1) arrest;
- (2) attachment;
- (3) garnishment;
- (4) replevin;
- (5) sequestration; and
- (6) other corresponding or equivalent remedies, however designated.

RULE 65. INJUNCTIONS and Restraining Orders

(a) Preliminary Injunction.

~~(1) Notice. No~~ The court may issue a preliminary injunction shall be issued without only on notice to the adverse party.

~~(2) Consolidation of Consolidating the Hearing With with the Trial on the Merits. Before or after the commencement of beginning the hearing of an application on a motion for a preliminary injunction, the court may order advance the trial of the action on the merits to be advanced and consolidated consolidate it with the hearing of the application. Even when this consolidation is not ordered, any evidence that is received upon an application for a preliminary injunction which on the motion and that would be admissible upon the trial on the merits becomes part of the trial record on the trial and need not be repeated upon the trial. This subdivision (a)(2) shall be so construed and applied as to save to the parties any rights they may have to But the court must preserve any party's right to a jury trial by jury.~~

(b) Temporary Restraining Order;

~~(1) Issuing Without Notice; Hearing; Duration. A. The court may issue a temporary restraining order may be granted without written or oral notice to the adverse party or that party's attorney only if (1) it clearly appears from:~~

~~(A) specific facts shown by in an affidavit or by the a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the applicant/movant before the adverse party or that party's attorney can be heard in opposition; and (2)~~

~~(B) the applicant's/movant's attorney certifies to the court in writing the any efforts, if any, which have been made to give the notice and the reasons supporting the claim that notice why it should not be required.~~

~~(2) Contents; Expiration. Every temporary restraining order granted issued without notice must state the date and hour it was issued; describe~~

~~the injury and state why it is irreparable; state why the order was issued without notice shall be indorsed with the date and hour of issuance; shall be; and be promptly filed forthwith in the clerk's office and entered of in the record; shall define the injury and state why it is irreparable and why the . The order was granted without notice; and shall expire by its terms within such expires at the time after entry, not to exceed 1514 days, as that the court fixessets, unless within thebefore that time so fixed the ordercourt, for good cause shown, is extended, extends it for a like period or unless the adverse party against whom the order is directed consents that it may be extended forto a longer periodextension. The reasons for thean extension shallmust be entered of in the record. In case a temporary restraining order is granted~~

~~(3) Expediting the Preliminary-Injunction Hearing. If the order is issued without notice, the motion for a preliminary injunction shallmust be set down for hearing at the earliest possible time and takes, taking precedence ofover all other matters except hearings on older matters of the same character; and when the motion comes on for. At the hearing, the party who obtained the temporary restraining order shallmust proceed with the application for a preliminary injunction and motion; if the party does not do so, the court shallmust dissolve the temporary restraining order.~~

~~(4) Motion to Dissolve. On 2 days' notice to the party who obtained the temporary restraining order without notice or on such shorter notice to that party asset by the court may prescribe, the adverse party may appear and move its dissolutionto dissolve or modification and in that eventmodify the order. The court shall proceed tomust then hear and determine such decide the motion as expeditiouslypromptly as the ends of justice requirerequires.~~

~~(c) Security. (e) Security. No restraining order or The court may issue a preliminary injunction shall issue except uponor a temporary restraining order only if the giving ofmovant gives security by the applicant, in such sum asan amount that the court deemsconsiders proper, for to pay the payment of such costs and damages~~

~~as may be incurred or suffered~~sustained by any party who is found to have been wrongfully enjoined or restrained. ~~No such~~The State, its officers, and its agencies are not required to give security ~~shall be required of the State or of an officer or agency thereof.~~

~~The provisions of Rule 65.1 apply to a surety upon a bond or undertaking under this rule.~~

(d) ~~Form~~Contents and Scope of Every Injunction or Restraining Order.

~~(1) Contents. Every order granting an injunction and every restraining order shall set forth~~must:

~~(A) state the reasons for~~why it issued;

~~(B) state its issuance; shall be specific in terms; shall~~ specifically;
and

~~(C) describe in reasonable detail, and not by reference~~referring to the complaint or other document, the act or acts sought to be restrained; and is binding or required.

~~(2) Persons Bound. The order binds only upon~~the following who receive actual notice of it by personal service or otherwise:

~~(A) the parties to;~~

~~(B) the action, their~~parties' officers, agents, servants, employees, and attorneys; and upon these

~~(C) other persons who are in active concert or participation with them who receive actual notice of the order by personal service or otherwise~~anyone described in Rule 65(d)(2)(A) or (B).

(e) ~~Reserved~~Applicability.

~~(f)~~ **(1) When Inapplicable.** This rule is not applicable to ~~suits~~actions for divorce, alimony, separate maintenance or custody of children. In such ~~suits~~actions,

the court may make prohibitive or mandatory orders, with or without notice or bond, as may be just.

(2) Other Laws Not Modified. These rules supplement and do not modify statutory injunction provisions.

RULE 65.1. SECURITY: PROCEEDINGS AGAINST SURETIES
Proceedings Against a Security Provider

Whenever these rules require or permit the giving of allow a party to give security by a party, and security is given in the form of a bond or stipulation or other undertaking with one or more sureties security providers, each surety provider submits to the court's jurisdiction of the court and irrevocably appoints the court clerk of the court as the surety's sits agent upon whom for receiving service of any papers affecting the surety's that affect its liability on the bond or undertaking may be served security. The surety's security provider's liability may be enforced on motion without the necessity of an independent action. The motion and such any notice of the motion as that the court prescribes orders may be served on the court clerk of the court, who shall forthwith mail copies to the sureties if their addresses are must promptly send a copy of each to every security provider whose address is known.

RULE 66. RECEIVERS
Receivers

These rules govern an action in which the appointment of a receiver is sought or a receiver sues or is sued. An action wherein in which a receiver has been appointed shall not may be dismissed except only by court order of the court.

RULE 67. DEPOSIT IN COURT
Deposit in Court

(a) Depositing Property.

(1) In an action in which any part of the relief sought is a money

~~judgment for a sum of money or, the disposition of a sum of money, or the disposition of any other deliverable thing capable of delivery, a party, upon notice to every other party, and by leave of court, may deposit with the court all or any part of such sum the money or thing to be held by the clerk of the court, or upon court order to be deposited in an interest-bearing account or invested in an interest-bearing instrument, subject to withdrawal, in whole or in part, at any time thereafter upon order of the court.~~

~~(b) (2) When it is admitted by the pleading or examination of a party, that the party has a party admits having possession or control of any money or other deliverable thing capable of delivery, which, being the subject of litigation, is held by the party as trustee for another party, or which belongs or is due to another party, on motion the court may order the same, upon motion, all or any part of the money or thing to be deposited in with the court, or deposited in an interest-bearing account or invested in an interest-bearing instrument, or delivered to such party, upon such conditions as may be just, subject to the further direction of the court.~~

(b) Custodian; Investment of Funds.

~~(1) Unless ordered otherwise, the deposited money or thing must be held by the clerk of the court.~~

~~(2) The court may order that:~~

~~(i) money deposited with the court be deposited in an interest-bearing account or invested in a court-approved interest-bearing instrument, subject to withdrawal, in whole or in part, at any time thereafter upon order of the court, or~~

~~(ii) money or a thing held in trust for a party be delivered to that party, upon such conditions as may be just, subject to the further direction of the court.~~

RULE Rule 68. OFFERS OF JUDGMENTOffers of Judgment

(a) **The Offer.** At any time more than ~~10~~21 days before trial, any party may serve an offer in writing to allow judgment to be taken in accordance with its terms

and conditions. Unless otherwise specified, an offer made under this rule is an offer to resolve all claims in the action between the parties to the date of the offer, including costs, expenses, interest and, if attorney fees are permitted by law or contract, attorney fees.

(b) Apportioned Conditional Offers. An apportioned offer of judgment to more than one party may be conditioned upon the acceptance by all parties to whom the offer is directed.

(c) Joint Unapportioned Offers.

(1) Multiple Offerors. A joint offer may be made by multiple offerors.

(2) Offers to Multiple Defendants. An offer made to multiple defendants will invoke the penalties of this rule only if:

_____ (A) there is a single common theory of liability against all the offeree defendants, such as where the liability of some is entirely derivative of the others or where the liability of all is derivative of common acts by another, and

_____ (B) the same entity, person or group is authorized to decide whether to settle the claims against the offerees.

(3) Offers to Multiple Plaintiffs. An offer made to multiple plaintiffs will invoke the penalties of this rule only if:

_____ (A) the damages claimed by all the offeree plaintiffs are solely derivative, such as that the damages claimed by some offerees are entirely derivative of an injury to the others or that the damages claimed by all offerees are derivative of an injury to another, and

_____ (B) the same entity, person or group is authorized to decide whether to settle the claims of the offerees.

(d) Judgment Entered Upon Acceptance. If within 10 of the Offer and Dismissal or Entry of Judgment.

_____ (1) Within 14 days after the service of the offer, the offeree serves may accept the offer by serving written notice that the offer is accepted.

(2) The offeree may, within 21 days after service of written notice that the offer is accepted, pay the amount of the offer and obtain a dismissal of the claim, rather than entry of a judgment.

(3) At any time after 21 days after service of written notice that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of service. The clerk shall must then enter judgment accordingly. The court shall must allow costs in accordance with NRS 18.110 unless the terms of the offer preclude a separate award of costs. Any judgment entered pursuant to under this section shall must be expressly designated a compromise settlement. At his option, a defendant may within a reasonable time pay the amount of the offer and obtain a dismissal of the claim, rather than a judgment.

(e) Failure to Accept Offer. If the offer is not accepted within ~~10~~14 days after service, it ~~shall will~~ be considered rejected by the offeree and deemed withdrawn by the offeror. Evidence of the offer is not admissible except in a proceeding to determine costs, expenses, and fees. The fact that an offer is made but not accepted does not preclude a subsequent offer. A subsequent offer will not extinguish prior offers. With offers to multiple offerees, each offeree may serve a separate acceptance of the apportioned offer, but if the offer is not accepted by all offerees, the action ~~shall will~~ proceed as to all. Any offeree who fails to accept the offer may be subject to the penalties of this rule.

(f) Penalties for Rejection of Offer. ~~—~~ If the offeree rejects an offer and fails to obtain a more favorable judgment,

(1) the offeree cannot recover any costs, expenses or ~~attorney's~~attorney fees and ~~shall may~~ not recover interest for the period after the service of the offer and before the judgment; and

(2) the offeree ~~shall must~~ pay the offeror's post-offer costs and expenses, including a reasonable sum to cover any expenses incurred by the offeror for each expert witness whose services were reasonably necessary to prepare for and conduct

the trial of the case, applicable interest on the judgment from the time of the offer to the time of entry of the judgment and reasonable attorney's attorney fees, if any be allowed, actually incurred by the offeror from the time of the offer. If the offeror's attorney is collecting a contingent fee, the amount of any attorney's attorney fees awarded to the party for whom the offer is made must be deducted from that contingent fee.

(3) Multiple Offers. The penalties in this rule run from the date of service of the earliest rejected offer for which the offeree failed to obtain a more favorable judgment.

(g) How Costs, Expenses, Interest, and Attorney Fees Are Considered. To invoke the penalties of this rule, the court must determine if the offeree failed to obtain a more favorable judgment. Where the offer provided that costs, expenses, interest and, if attorney fees are permitted by law or contract, attorney fees, would be added by the court, the court must compare the amount of the offer with the principal amount of the judgment, without inclusion of costs, expenses, interest and, if attorney fees are permitted by law or contract, attorney fees. Where a defendantparty made an offer in a set amount which precluded a separate award of costs, expenses, interest and, if attorney fees are permitted by law or contract, attorney fees, the court must compare the amount of the offer together with the offeree's pre-offer taxable costs, expenses, interest and, if attorney fees are permitted by law or contract, attorney fees, with the principal amount of the judgment.

(h) Offers After Determination of Liability. When the liability of one party to another has been determined by verdict, order or judgment, but the amount or extent of the liability remains to be determined by further proceedings, the party adjudged liable may make an offer of judgment, which ~~shall have~~ has the same effect as an offer made before trial if it is served within a reasonable time not less than ~~1014~~ days prior to the commencement of hearings to determine the amount or extent

of liability.

RULE 69. EXECUTION

(a) In General. ~~Process to enforce a~~

~~(1) Money Judgment; Applicable Procedure. A money judgment for the payment of money shall be enforced by a writ of execution, unless the court directs otherwise. The procedure on execution, and in proceedings supplementary to and in aid of a judgment, and in proceedings on and in aid of or execution shall be in accordance must accord with the practice and procedure of the State, these rules and state law.~~

~~(2) Obtaining Discovery. In aid of the judgment or execution, the judgment creditor or a successor in interest when that whose interest appears of record, may obtain discovery from any person, including the judgment debtor, in the manner as provided in these rules, or by state law.~~

(b) Service of Notice of Entry Required Prior to Execution. ~~Prior to execution upon a judgment, service~~ Service of written notice of entry of the a judgment must be made in accordance with Rule 58(e) before execution upon the judgment.

RULE 70. JUDGMENT FOR SPECIFIC ACTS; VESTING TITLE

Rule 70. Enforcing a Judgment for a Specific Act

~~(a) Party's Failure to Act; Ordering Another to Act. If a judgment directs requires a party to execute a conveyance of convey land or, to deliver deeds a deed or other documents document, or to perform any other specific act and the party fails to comply within the time specified, the court may direct order the act to be done at the cost of the disobedient party party's expense by some other another person appointed by the court and. When done, the act when so done has like the same effect as if done by the party. On application of the party entitled to performance, the clerk shall issue a writ of attachment or sequestration against the property of the~~

~~disobedient party to compel obedience to the judgment. The court may also in proper cases adjudge the party in contempt. If~~

~~(b) Vesting Title. If the real or personal property is within the State, the court in lieu instead of directing ordering a conveyance thereof may enter a judgment divesting the any party's title of any party and vesting it in others and such. That judgment has the effect of a conveyance legally executed in due form of law. When any order conveyance.~~

~~(c) Obtaining a Writ of Attachment or Sequestration. On application by a party entitled to performance of an act, the clerk must issue a writ of attachment or sequestration against the disobedient party's property to compel obedience.~~

~~(d) Obtaining a Writ of Execution or Assistance. On application by a party who obtains a judgment is or order for the delivery of possession, the party in whose favor it is entered is entitled to clerk must issue a writ of execution or assistance upon application.~~

~~(e) Holding in Contempt. The court may also hold the disobedient party in contempt.~~

~~RULE 71. PROCESS IN BEHALF OF AND AGAINST PERSONS NOT PARTIES~~

~~Rule 71. Enforcing Relief For or Against a Nonparty~~

~~When an order is made in favor of a person who is not a party to the action, that person may enforce obedience to the order by the same process as if the person were a party; and, when obedience to an order grants relief for a nonparty or may be lawfully enforced against a person who is not a party, that person is liable to the same process nonparty, the procedure for enforcing obedience to the order is the same as if for a party.~~

IX. APPEALS

[Rules 72 to 76A, inclusive, were abrogated and replaced by Nevada Rules of Appellate Procedure, effective July 1, 1973.]

X. DISTRICT COURTS AND CLERKS

~~RULE 77. DISTRICT COURTS AND CLERKS~~

Rule 77. Conducting Business; Clerk's Authority

(a) ~~District Courts Always~~When Court Is Open. ~~The~~Every district courts shall be deemed court is considered always open for the purpose of filing any pleading or other proper paper, of issuing and returning mesne and final process, and of making and directing all interlocutory motions, orders, and rules a motion, or entering an order.

(b) ~~Trials and Hearings; Orders in Chambers.~~ All trials uponPlace for Trial and Other Proceedings. Every trial on the merits shall must be conducted in open court and, so far as convenient, in a regular court room, exceptcourtroom, but a private trial may be had as provided by statute. AllAny other aetsact or proceedingsproceeding may be done or conducted by a judge in chambers, without the attendance of the clerk or other court officials and at any place either withinofficial, or without theanywhere inside or outside the judicial district; but. But no hearing, —other than one ex parte, shall —may be conducted outside the district without the consent of State unless all parties the affected thereby parties consent.

(c) Clerk's Office and Hours; Clerk's Orders by Clerk. The.

(1) Hours. Every clerk's office and branch office must be open —with the a clerk or a deputy in attendance shall be open on duty —during business hours on all days every day except Saturdays, Sundays, and nonjudicial days. All motions and applications inlegal holidays.

(2) Orders. Subject to the court's power to suspend, alter, or rescind the clerk's office action for issuing mesne good cause, the clerk may:

~~_____ (A) issue process, for issuing final process to enforce and execute judgments, for entering defaults or judgments by;~~

~~_____ (B) enter a default, and for;~~

~~_____ (C) enter a default judgment under Rule 55(b)(1); and~~

~~_____ (D) act on any other proceedings which do matter that does not require allowance or order of the court are grantable of course by the clerk; but the clerk's action may be suspended or altered or rescinded by the court upon cause shown the court's action.~~

(d) Reserved.

~~RULE 78. MOTION DAY~~

~~_____ Unless local conditions make it impracticable, each district court shall establish regular times and places, at intervals sufficiently frequent for the prompt dispatch of business, at which motions requiring notice and hearing may be heard and disposed of; but the judge at any time or place and on such notice, if any, as the judge considers reasonable may make orders for the advancement, conduct, and hearing of actions.~~

~~_____ To expedite its business, the court may make provision by~~

Rule 78. Hearing Motions; Submission on Briefs

~~_____ (a) Providing a Regular Schedule for Oral Hearings. A court may establish regular times and places for oral hearings on motions.~~

~~_____ (b) Providing for Submission on Briefs. By rule or order, a court may provide for the submissionsubmitting and determination ofdetermining motions on briefs, without oral hearing upon brief written statements of reasons in support and oppositionhearings.~~

RULE 79. RESERVEDReserved

~~RULE 80. STENOGRAPHIC REPORT OR TRANSCRIPT AS EVIDENCE~~

~~(a) Reserved.~~

~~(b) Reserved.~~

~~(c) Stenographic Report or Transcript or Recording of Testimony as Evidence. Whenever the testimony of a witness at a trial~~

~~If recorded or hearing which was stenographically reported testimony at a hearing or trial is admissible in evidence at a later trial, it the testimony may be proved by the:~~

~~(a) a transcript thereof duly certified by the person who stenographically reported it; or~~

~~(b) an audio or video recording certified by the court in which the testimony recording was made.~~

XI. GENERAL PROVISIONS

~~RULE 81. APPLICABILITY IN GENERAL~~

~~Rule 81. Applicability of the Rules in General; Remanded Actions~~

~~(a) To What Proceedings Applicable. These rules do not govern procedure and practice in any special statutory proceeding insofar as they are inconsistent or in conflict with the procedure and practice provided by the applicable statute.~~

~~(b) Reserved.~~

~~(c) Remanded Actions. A plaintiff whose action is removed from state to federal court and thereafter remanded must file and serve written notice of entry of the remand order. No default may be taken against a defendant in the remanded action until 14 days after service of notice of entry of the remand order. Within that time, a defendant may answer or respond as it might have done had the action not been removed.~~

~~(d) Reserved.~~

~~RULE~~ Rule 82. JURISDICTION AND VENUE UNAFFECTED Jurisdiction and Venue Unaffected

These rules ~~shall~~ do not be construed to extend or limit the jurisdiction of the district courts or the venue of actions therein in those courts.

~~RULE 83. RULES BY DISTRICT COURTS~~

~~Each~~ Rule 83. Rules by District Courts; Judge's Directives

(a) Local Rules and District Court Rules.

(1) Local Rules. A judicial ~~district court by action of a majority of the judges thereof may from time to time make and amend rules governing its practice not inconsistent with these rules. Copies of rules and amendments so made~~ therein by any submitting the proposed rules, approved by a majority of its district court shall upon their promulgation be furnished judges, to the Supreme Court, but shall not become effective until 60 days after for its review and approval by the Supreme Court and publication or as. A local rule must be consistent with—but not duplicate—these rules. Unless otherwise ordered by the Supreme Court, a new or amended local rule takes effect 60 days after it is approved by the Supreme Court.

(2) Reference. The local rules of practice and the District Court Rules are referred to collectively in these rules as the local rules.

(3) Requirements of Form. A local rule imposing a requirement of form must not be enforced in a way that causes a party to lose any right because of a nonwillful failure to comply.

(b) Procedure When There Is No Controlling Law. In all cases not provided for by rule, the district courts may regulate their practice in any manner not inconsistent with these rules.

~~RULE~~ Rule 84. FORMS Forms

The forms contained in the Appendix of Forms are ~~sufficient~~ authorized for use in Nevada courts.

RULE Rule 85. TITLE Citation

These rules may be ~~known and cited as the Nevada Rules of Civil Procedure,~~ or abbreviated N.R.C.P.NRCP.

RULE Rule 86. EFFECTIVE DATES

~~(a) Effective Date, Dates~~

~~(a) In General. These rules ~~will and any amendments~~ take effect on the date specified by the Supreme Court. They govern all proceedings:~~

~~(1) in actions brought commenced after they take effect and also all further proceedings the effective date; and~~

~~(2) in actions then pending, except to the extent that in unless:~~

~~(A) the opinion of Supreme Court specifies otherwise, or~~

~~(B) the court their application determines that applying them in a particular action pending when the rules take effect would not be feasible or would work an injustice, in which event the former procedure applies.~~

(b) Effective Date of Amendments. The Nevada Rules of Civil Procedure became effective January 1, 1953. Subsequent amendments have been as follows:

(1) Amendment of Rules 5(b) and (d), effective January 4, 1954.

(2) Amendment of Rules 11 and 45(d)(1), effective May 15, 1954.

(3) Amendment of Rule 51, effective February 15, 1955.

(4) Amendment of Rules 3, 75(b), and 75(g), effective October 1, 1959.

(5) Amendment of Rules 38(b), 38(d), 65(b), 73(c), and 73(d), effective September 1, 1960.

(6) Amendment of Rules 4(d)(2), 5(a), 5(b), 6(a), 6(b), 7(a), 13(a), 14(a), 15(d), 24(c), 25(a)(1), 25(d), 26(e), 28(b), 30(f)(1), 41(b), 41(e), 47(a), 48, 50(a), 50(b),

50(c), 50(d), 52(b), 54(b), 56(c), 56(e), 59(a), 62(h), 77(c), 86, Forms 22-A and 22-B, 27, 30, 31 and 32, effective March 16, 1964.

(7) Amendment of Rule 86 and Form 31, effective April 15, 1964.

(8) Amendment of Rules 73(c), 73(d)(1) and 86, effective September 15, 1965.

(9) Amendment of Rules 4(b), 5(a), 8(a), 12(b), 12(g), 12(h), 13(h), 14(a), 17(a), 18(a), 19, 20(a), 23, 23.1, 23.2, 24(a), 26, 29, 30, 31, 32, 33, 34, 35, 36, 37(a), 37(b), 37(c), 37(d), 41(a), 41(b), 42(b), 43(f), 44(a), 44(b), 44(c), 44.1, 45(d)(1), 47(b), 50(b), 53(b), 54(c), 65(a), 65(b), 65(c), 65.1, 68, 69(a), 77(e), 86(b), and Form 24, effective September 27, 1971.

(10) Amendment of Rules 6 and 81, effective July 1, 1973; the abrogation of Rules 72, 73, 74, 75, 76, 76A and Form 27, effective July 1, 1973.

(11) Amendment of Rules 1, 4, 5, 6, 8, 9, 10, 11, 13, 14, 15, 16, 16.1, 17, 18, 19, 20, 22, 23, 23.1, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 44, 44.1, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 58, 59, 60, 62, 63, 64, 65, 65.1, 67, 69, 71, 77, 78, 81 and 83 and Forms 3, 19, 31 and the Introductory Statement to the Appendix of Forms, effective January 1, 2005, and the adoption of new Form 33.

(12) Adoption of Rules 4.1, 4.2, 4.3, 4.4, 5.1, 5.2, 62.1, and 71.1, the amendment of all other Rules and the Introductory Statement to the Appendix of Forms, the abrogation of the prior Forms, and the adoption of Forms 1, 2, and 3, effective January 1, 2019.