

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

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

(b) Required Disclosures.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) Discovery Disputes.

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

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

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

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

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

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

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

(f) Early Case Evaluation.

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

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

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

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

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

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