

IN THE SUPREME COURT OF THE STATE OF NEVADA


IN THE MATTER OF THE PROPOSED
AMENDMENTS TO NRCP 16.1 FOR
DOMESTIC RELATIONS CASES, NRCP
16.2 AND NRCP 16.205.

No. ADKT 0521

FILED

DEC 28 2016

*ORDER SCHEDULING PUBLIC HEARING
AND REQUESTING PUBLIC COMMENT*

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY 
CHIEF DEPUTY CLERK

On October 27, 2016, the Honorable Justice Mark Gibbons filed a petition in this court seeking to repeal NRCP 16.1 that applies to domestic relations cases, to amend NRCP 16.2 to incorporate the necessary provisions of NRCP 16.1 for domestic relations cases, and update NRCP 16.2 (Mandatory Prejudgment Discovery Requirements in Paternity or Custody Matters) and NRCP 16.205 (Mandatory Prejudgment Discovery Requirements in Paternity or Custody Matters). The revised Exhibit A to the petition, with the proposed amendments, together with Exhibits B and C to the petition are attached hereto.

The Nevada Supreme Court will conduct a public hearing on the petition on Thursday, February 9, 2017, at 1:30 p.m. in the Nevada Supreme Court Courtroom, 201 South Carson Street, Carson City, Nevada. The hearing will be videoconferenced to the Nevada Supreme Court Courtroom, 200 Lewis Avenue, 17th Floor (Regional Justice Center), Las Vegas, Nevada.

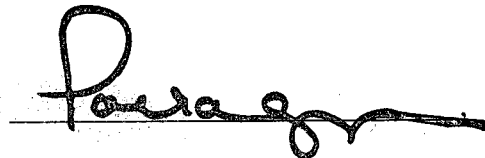
Further, this court invites written comment from the bench, bar, and public regarding the proposed amendments. An original and 8 copies of written comments are to be submitted to: Elizabeth A. Brown, Clerk of the Supreme Court, 201 South Carson Street, Carson City, Nevada 89701 by 5:00 p.m., February 2, 2017. Comments must be

submitted in hard-copy format. Comments submitted electronically will not be docketed. Persons interested in participating in the hearing must notify the Clerk no later than February 2, 2017.

Hearing date: February 9, 2017, at 1:30 p.m.
Supreme Court Courtroom
201 South Carson Street
Carson City, Nevada 89701

Comment deadline: February 2, 2017, at 5:00 p.m.
Supreme Court Clerk's Office
201 South Carson Street
Carson City, Nevada 89701

DATED this 28th day of December, 2016

 C.J.

cc: Bryan K. Scott, President, State Bar of Nevada
Kimberly Farmer, Executive Director, State Bar of Nevada
All District Court Judges
Clark County Bar Association
Washoe County Bar Association
First Judicial District Bar Association
Administrative Office of the Courts

EXHIBIT A

AMENDMENT TO NEVADA RULES OF CIVIL PROCEDURE

[RULE 16.1. MANDATORY PRE-TRIAL DISCOVERY
REQUIREMENTS

~~[Effective February 1, 2006, this version of Rule 16.1 applies to all 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.]~~

~~(a) Attendance at Early Case Conference. Within thirty (30) days after service of the answer by the first answering defendant, and thereafter as each defendant answers the original complaint or an amended complaint, the attorneys for the parties, who must possess authority to act and knowledge of the case obtained after reasonable inquiry under the circumstances, shall meet in person for the purpose of complying with subdivision (b) of this rule. 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 case conference for an additional period of not more than ninety (90) days. The court, in its discretion and for good cause shown, may also continue the time for the conference. Absent compelling and extraordinary circumstances, neither the court nor the parties may extend the time to a day more than one hundred and eighty (180) days after service of the summons and complaint upon the defendant in question. The~~

~~time for holding a case conference with respect to a defendant who has filed a motion pursuant to Rule 12(b)(2) (4) is tolled until entry of an order denying the motion.~~

~~(b) Meet and Confer Requirements; Mandatory Discovery Exchanges. At each case conference, the attorneys must:~~

~~(1) Exchange all documents then reasonably available to a party which are then contemplated to be used in support of the allegations or denials of the pleading filed by that party, including rebuttal and impeachment documents;~~

~~(2) Request with reasonable specificity from the opposing party all other documents, discoverable within the scope of Rule 26(b), that may support the allegations of the pleading filed by the requesting party, including rebuttal and impeachment documents. The opponent must (A) provide the additional documents, or (B) agree to provide the additional documents as soon as they are reasonably available, or (C) explain why the documents will not be provided;~~

~~(3) Identify, describe or produce all tangible things which constitute or contain matters within the scope of Rule 26(b) and, upon request, arrange for all other parties to inspect and copy, test or sample the same;~~

~~(4) Request to inspect and copy, test or sample any tangible things which constitute or contain matters within the scope of Rule 26(b) and which are in the possession, custody or control of another party. The party who has possession, custody or control of such tangible things must (A) provide the discovery requested, or (B) explain why it will not be provided;~~

~~(5) Exchange written lists of persons (other than expert witnesses or consultants) then known or reasonably believed to have knowledge of any facts relevant to the allegations of any pleading filed by any party to the action, including persons having knowledge of rebuttal or impeachment evidence. Each person must be identified by name and location, along with a general description of the subject matter of his testimony. Each party is under a continual duty to promptly supplement that party's list of persons pursuant to this subsection;~~

~~(6) Propose a plan and schedule of discovery and make a reasonable effort to agree with opposing attorneys to provide all discovery requested, with any conditions or limitations thereon;~~

~~(7) Discuss settlement of the action and the use of extrajudicial procedures or alternative methods of dispute resolution to resolve the controversy; and~~

~~(8) Discuss such other matters as may aid in the disposition of the action.~~

~~[Added; effective February 1, 2006.]~~

~~(e) Case Conference Report. Within thirty (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 case conference report which, either as a joint or individual report, must contain:~~

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

~~(2) A proposed plan and schedule of any additional discovery;~~

~~(3) A 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;~~

~~(4) A written list of all documents not provided under subsection (b)(2)(C) of this rule together with the explanation as to why each document was not provided;~~

~~(5) The written list of persons exchanged pursuant to subsection (b)(5) of this rule; and~~

~~(6) An estimate of the time required for discovery.~~

~~After any subsequent case conference, the parties must supplement, but need not repeat, the contents of prior reports. Within seven (7) days after service of any case conference report, any other party may file a response thereto objecting to all or a portion of the report or adding any other matter which is necessary to properly reflect the proceedings occurring at the case conference. All case conference reports and responses shall be signed in accordance with Rule 11.~~

~~(d) Case Conference Disputes; Court Intervention.~~

~~(1) At any time after the filing of a case conference report, the court, upon motion or on its own initiative, may direct the attorneys and the parties to appear before the court or a discovery commissioner to resolve any disputes arising during or as a result of the case conference. The resolution of all discovery disputes by stipulation of the parties shall be entered in the minutes in the form of an order or reduced to writing subscribed by the parties or by their attorneys.~~

~~(2) Following each dispute resolution conference before a discovery commissioner, the commissioner must prepare and file a report with his recommendations for a resolution of each unresolved~~

~~dispute. The clerk of the court shall forthwith serve a copy of the report on all parties. Within five (5) days after being served with a copy, any party may serve and file written objections to the recommendations.~~

~~(3) Upon receipt of a discovery commissioner's report and any objections thereto or after any resolution conference which was held before the court, the court shall enter an order establishing a plan and schedule for discovery, setting limitations on the discovery, if appropriate, requiring compliance with subdivision (b) of this rule, imposing sanctions pursuant to subdivision (e) of this rule, if necessary, and determining such other matters, including the allocation of expenses, as are necessary for proper control of the action.~~

~~(e) Failure or Refusal to Participate in Pre Trial Discovery; Sanctions.~~

~~(1) If the mandatory discovery meeting described in Rule 16.1(a) is not held within one hundred and eighty (180) days after service of the summons and complaint upon 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.~~

~~(2) If the plaintiff does not file a case conference report within two hundred and forty (240) days after the service of a~~

~~summons and complaint upon a defendant, the case may be dismissed as to that defendant upon motion or on the court's own initiative, without prejudice.~~

~~(3) If an attorney fails to reasonably comply with any provision of this rule, or if an attorney or a party fails to comply with an order entered pursuant to subsection (d) of this rule, the court, upon motion or upon its own initiative, shall impose upon a party or his attorney, or both, appropriate sanctions in regard to the failure(s) as are just, including the following:~~

~~(A) Any of the sanctions available pursuant to Rule 37(b)(2);~~

~~(B) An order prohibiting the use of any witness, document or tangible thing which should have been disclosed, produced, exhibited, or exchanged pursuant to subdivision (b) of this rule.~~

~~(4) Should it appear to the satisfaction of the court at any time that an objection under subsection (c)(3) of this rule to the authenticity or genuineness of a document was made in violation of Rule 11, the court shall forthwith order the party or his attorney, or both, to pay to the other party the reasonable expenses caused by the objection, including reasonable attorney's fees.~~

~~(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 also order a conference pursuant to Rule 16.~~

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

~~[As amended; effective February 1, 2006.]~~

~~**RULE 16.2. MANDATORY PREJUDGMENT DISCOVERY
REQUIREMENTS IN DIVORCE, ANNULMENT, SEPARATE
MAINTENANCE, OR DISSOLUTION OF DOMESTIC
PARTNERSHIP MATTERS**~~

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

~~(b) Required Disclosures.~~

~~(1) General Financial Disclosure. In divorce, annulment, or separate maintenance actions, or proceedings to dissolve a domestic partnership, each party must complete and file the court-approved General Financial Disclosure Form.~~

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

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

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

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

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

~~If the parties are ordered to file a Detailed Financial Disclosure Form, each party must file and serve the completed Detailed Financial Disclosure Form no later than 45 days after service of the Request to Opt In to the Detailed Financial Disclosure Form and Complex Divorce Litigation Procedures, unless the court orders otherwise upon the motion of a party or the stipulation of the parties.~~

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

~~1. An order treating the party's failure as a contempt of court, which may include the allowable monetary fine or jail time;~~

~~2. An order refusing to allow the disobedient party to support or oppose designated claims or defenses, or prohibiting that party from introducing designated matters in evidence; or~~

~~3. An order requiring the party failing to timely file and serve the disclosure to pay the opposing party's reasonable expenses, including attorney's fees and costs, caused by the failure.~~

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

~~1. An order awarding the omitted asset to the opposing party as his or her separate property or making another form of unequal division of community property;~~

~~2. An order treating the party's failure as a contempt of court, which may include the allowable monetary fine or jail time;~~

~~3. An order requiring the party failing to make the disclosure to pay the other party's or opposing party's reasonable expenses, including attorney's fees and costs, caused by the failure.~~

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

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

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

~~(vi) Authorizations for Discovery. If a party believes it necessary to obtain that information required to be disclosed under Rule 16.2 from an individual or entity not a party to the action, the party seeking the information may present to the other party a form of authorization, permitting release, disclosure, and production of the information. If the party who was requested to sign the authorization refuses to sign the authorization without good cause, the matter may be raised to the court or the appropriate discovery commissioner, as the case may be. If the court or discovery commissioner finds that the objecting party is without legitimate factual or legal objection to the signing of the authorization, a motion to compel shall be granted and the objecting party shall be made to pay reasonable attorney's fees and costs.~~

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

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

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

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

~~(i) Bank and Investment Statements. Copies of all monthly or periodic bank, checking, savings, brokerage, investment, and security account statements in which any party has or had an interest for the period commencing 6 months prior to the service of the summons and complaint through the date of the disclosure;~~

~~(ii) Credit Card and Debt Statements. Copies of credit card statements and debt statements for all parties for all~~

~~months for the period commencing 6 months prior to the service of the summons and complaint through the date of the disclosure;~~

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

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

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

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

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

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

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

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

~~quarterly statements are available during this time period, the most recent statements or documents that disclose the information;~~

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

~~(xii) Values. Copies of all documents that may assist in identifying or valuing any item of real or personal property in which any party has or had an interest for the period commencing 6 months prior to the service of the summons and complaint through the date of the disclosure, including any documents that the party may rely upon in placing a value on any item of real or personal property;~~

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

~~(xiv) Proof of Income. Proof of income of the party from all sources, specifically including W-2 forms, 1099 forms, and K-1 forms, for the past 2 completed calendar years, and year-to-date income information (paycheck stubs, etc.) for the period~~

~~commencing 6 months prior to the service of the summons and complaint through the date of the disclosure; and~~

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

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

~~(4) Disclosure of Expert Witness and Testimony. A party shall disclose to other parties the identity of any person who may be used at trial to present evidence under NRS 50.275, 50.285, and 50.305. These disclosures must be made within 90 days after the initial financial disclosure form is required to be filed and served under Rule 16.2(b)(2) or, if the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party, within 21 days after the disclosure made by the other party. The parties shall supplement these disclosures when required under Rule 26(e)(1).~~

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

~~(5) Pretrial Disclosures.~~

~~(A) Non-Expert Witnesses. The name and, if known, the address and telephone number of each individual who has information or knowledge relevant to the value of assets or debts or to the claims or defenses set forth in the pleadings, or who may be called as a witness at any stage of the proceedings, including for impeachment or rebuttal, identifying the subjects of the information for which the individual may be called, shall be disclosed. Absent a court order or written stipulation of the parties, a party shall not be~~

~~allowed to call a witness at trial who has not been disclosed at least 45 days before trial.~~

~~(B) Trial Exhibits. A copy of each document or other exhibit, including summaries of other evidence, which a party expects to offer as evidence at trial in any manner shall be disclosed to the other party. Unless otherwise directed by the court, these disclosures must be made at least 21 days before trial. Within 5 days of trial, unless a different time is specified by the court, a party may serve any objection, together with the grounds therefor, that may be made to the admissibility of materials identified. Objections not so disclosed, other than objections under NRS 48.025 and 48.035, shall be deemed waived unless excused by the court for good cause shown.~~

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

~~(c) Case Management Conference.~~

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

~~may extend the time to a day more than 120 days after filing of the answer to the complaint.~~

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

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

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

~~(1) A brief description of the nature of the action;~~

~~(2) Any changes to the timelines of this rule as stipulated by the parties and/or ordered by the court;~~

~~(3) A deadline on which discovery will close;~~

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

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

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

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

~~(c) Discovery Disputes.~~

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

~~(2) Following each discovery motion before the discovery commissioner, the commissioner must prepare and file a report with the commissioner's recommendations for a resolution of each unresolved dispute. The commissioner may direct counsel to prepare the report. The clerk of the court shall forthwith serve a copy of the report on all parties. Within 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.~~

~~(f) Failure or Refusal to Participate in Pretrial Discovery; Sanctions. If a party or an attorney fails to comply with any provision of this rule, or if an attorney or a party fails to comply with an order entered pursuant to this rule, the court, upon motion or upon its own initiative, may impose upon a party or a party's~~

~~attorney, or both, appropriate sanctions in regard to the failure(s) as are just, unless the party establishes good cause for the failure.~~

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

~~—— [As amended; effective January 1, 2013.]~~

~~[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 21 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.~~

~~(c) 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. 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 as well as any other orders the court deems appropriate during the pendency of the action, including interim custodial, child support, and medical insurance orders.]~~

**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 all divorce, annulment, separate maintenance, and dissolution of domestic partnership actions.~~

Nothing in this rule shall preclude a party from conducting discovery pursuant to the Nevada Rules of Civil Procedure.

~~(1) Self-Represented Litigants. When a party is not represented by an attorney, the party must comply with this rule.~~

(b) Exemptions. Either party may file a motion for exemption; or 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, unless a Detailed Financial Disclosure Form 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.

(2) Detailed Financial Disclosure Form (DFDF). If the Plaintiff, concurrently with the filing of the Complaint, or the Defendant, concurrently with the filing of the Answer, but no later than 15 days after the filing of the Answer, files the "Request to Opt-in to Detailed Financial Disclosure Form and Complex Litigation Procedure" certifying that:

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

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

_____ (C) The combined gross value of the assets owned by either party individually or in combination is more than \$1,000,000; then each party must file the DFDF within 45 days of service of the Request to Opt-in, unless otherwise ordered by the court or stipulated by the parties. The case shall then be subject to the Complex Divorce Litigation Procedures, which requires that each party prepare a Complex Divorce Litigation Plan that shall be filed and served as part of the Early Case Conference Report. The plan shall include, in addition to the requirements of Rule 16.2(i), 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.** Concurrently with the filing of the Financial Disclosure Forms, each party must, without awaiting a discovery request, serve upon the other party written and signed disclosures containing the following information:

_____ **(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.** 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, because the party challenges the sufficiency of another party's disclosures, or because another party has not made the required disclosures. For each requirement set forth in Rule 16.2(d)(2)(A) through (P), 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.

_____ **(A) Bank and Investment Statements.** Copies of all monthly or periodic bank, checking, savings, brokerage, investment, and security account statements in which any party has or had an interest for the period commencing 6 months prior to the service of the Summons and Complaint through the date of the disclosure;

_____ **(B) Credit Card and Debt Statements.** Copies of credit card statements and debt statements for all parties for all months for the period commencing 6 months prior to the service of the Summons and Complaint through the date of disclosure;

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

_____ **(D) Property Debts.** Copies of all monthly or periodic statements and documents showing the balances owing on all mortgages, notes, liens, and encumbrances outstanding against all real property and personal property in which the party has or had an interest for the period commencing 6 months prior to the service of the Summons and

Complaint through the date of the disclosure; or if no monthly or quarterly statements are available during this time period, the most recent statements or documents that disclose the information;

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

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

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

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

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

_____ (J) Insurance. Copies of all monthly or periodic statements and documents showing the cash surrender value, face value, and premiums charged for all life insurance policies in which any party has or had an interest for the period commencing 6 months prior to the service of the Summons and Complaint through the date of the disclosure; or if no

monthly or quarterly statements are available during this time period, the most recent statements or documents that disclose the information:

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

_____ (L) Values. Copies of all documents that may assist in identifying or valuing any item of real or personal property in which any party has or had an interest for the period commencing 6 months prior to the service of the Summons and Complaint through the date of the disclosure, including any documents that the party may rely upon in placing a value on any item of real or personal property (i.e., appraisals, estimates, or official value guides);

_____ (M) Tax Returns. Copies of all personal and business tax returns, balance sheets, profit and loss statements, and all documents that may assist in identifying or valuing any business or business interest for the last 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 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 and Complaint through the date of the disclosure; and

_____ (O) Personalty. A list of all items of personal property with an individual value exceeding \$200, including, but not limited to, household furniture, furnishings, antiques, artwork, vehicles, jewelry, coins, stamp collections, and similar items in which any party has an

interest, together with the party's estimate of current fair market value (not replacement value) for each item.

(P) Exhibits. 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) 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.

(4) Additional Discovery. Nothing in the minimum requirements of this rule shall preclude relevant additional discovery in accordance with the Nevada Rules of Civil Procedure.

(5) Disclosure of Expert Witness and Testimony. A party shall disclose the identity of any person who may be used at trial to present evidence pursuant to 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 shall supplement these disclosures when required under Rule 26(e)(1).

(A) Except as otherwise stipulated or directed by the court, a party who retains or specially employs a witness to provide expert testimony in the case, or whose duties as an employee of the party regularly involve giving expert testimony, shall deliver to the opposing party a written report prepared and signed by the witness within 60 days of the close of discovery. The court, upon good cause shown or by stipulation of the parties, may extend the deadline for exchange of the expert reports or relieve a party

of the duty to prepare a written report in an appropriate case. The report shall contain a complete statement of all opinions to be expressed and the basis and reasons therefor, the data or other information considered by the witness in forming the opinions, any exhibits to be used as a summary of or support for the opinions, and the qualifications of the witness.

(6) Nonexpert Witness. 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 not be allowed to call a witness at trial who has not been disclosed at least 45 days before trial.

(7) 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)(P), 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 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 be granted and the objecting party shall be made to pay reasonable attorney fees and costs.

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

(f) Failure to File or Serve Financial Disclosure Form or to Produce Required Disclosures. If a party fails to timely file or serve the appropriate financial disclosure form required by this rule, or the required information and disclosures under this rule, the court shall 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) 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) that other means fully compensate the nonviolating party for any losses, delays, and expenses suffered as a result of the violation.

(1) Sanctions.

(A) 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;

(B) 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.

(g) Failure to Include an Asset or Liability or Accurately Report Income. If a party intentionally fails to disclose a material asset or liability or to accurately report income, the court shall 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.

(A) 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) 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.

(h) 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 be presumed authentic and genuine and shall not be excluded from evidence on these grounds.

(i) Case Management Conferences.

(1) Attendance at Early Case Conference. Within 45 days after service of the Answer, the parties and the attorneys for the parties shall confer for the purpose of complying with Rule 16.2(d). 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 parties may submit a Stipulation and 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. The time for holding a case conference with respect to a defendant who has filed a motion pursuant to Rule 12(b)(2)-(4) is tolled until entry of an order denying the motion.

(2) Early Case Conference Report. Within 15 days after each case conference, but not later than 5 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) A statement of jurisdiction;

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

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

(D) A 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) A 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 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) A 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 list of witnesses exchanged in accordance with Rule 16.2(d)(5) and (d)(6);

(I) 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 litigation budget; and

(K) Proposed trial dates.

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

At the case management conference, the court, counsel, and the parties shall:

(A) 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 orders that should be entered setting the case for settlement conference and/or for trial;

(B) 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;

(C) Recite stipulated terms on the record pursuant to local district court rules;

(D) Enter interim orders sufficient to keep the peace and allow the case to progress; for matters that are claimed to be in contest, directions by the court as to which party will have which burden of proof;

_____ (E) Discuss the litigation budget and its funding; and

_____ (F) Enter a scheduling order.

In the event a party fails to attend the case management conference and the judge believes that some or any actions cannot be taken in the absence of the missing party, the court shall reschedule the case management conference and make an appropriate award of fees imposed on the nonappearing party, measured by the cost of the attendance of the complying party.

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

_____ (A) A brief description of the nature of the action;

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

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

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

_____ (E) A deadline on which discovery will close;

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

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

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

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

The order shall be submitted to the court for entry within 20 calendar days after the case management conference.

(j) 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.

(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 all paternity and custody actions between unmarried parties. Nothing in this rule shall preclude a party from conducting discovery pursuant to the Nevada Rules of Civil Procedure.

~~**(1) Self-Represented Litigants.** When a party is not represented by an attorney, the party must comply with this rule.~~

_____ (b) Exemptions. Either party may file a motion for exemption; ~~or~~ 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, unless a Detailed Financial Disclosure Form 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.

_____ (2) Detailed Financial Disclosure Form (DFDF). If the Plaintiff, concurrently with the filing of the Complaint, or the Defendant, concurrently with the filing of the Answer, but no later than 15 days after the filing of the Answer, files the "Request to Opt-in to Detailed Financial Disclosure Form and Complex Litigation Procedure" certifying that:

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

_____ (B) 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 45 days of service of the Request to Opt-in, unless otherwise ordered by the court or stipulated by the parties. The case shall then be subject to the Complex Divorce Litigation Procedures, which requires that each party prepare a Complex Divorce Litigation Plan

that shall be filed and served as part of the Early Case Conference Report. The plan shall include, in addition to the requirements of Rule 16.205(i), 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. Concurrently with the filing of the Financial Disclosure Forms, each party must, without awaiting a discovery request, serve upon the other party written and signed disclosures containing the following information:

(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. 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, because the party challenges the sufficiency of another party's disclosures, or because another party has not made the required disclosures. For each requirement set forth in Rule 16.205(d)(2)(A) through (E), 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.

(A) Bank, Investment, and Other Periodic Statements. Copies of all monthly or periodic bank, checking, savings, brokerage, investment, 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 and Complaint through the date of the disclosure;

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

 (C) Tax Returns. Copies of all personal and business tax returns, balance sheets, profit and loss statements, and all documents that may assist in identifying or valuing any business or business interest for the last 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 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 and Complaint through the date of the disclosure; and

 (E) Exhibits. 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) 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.

(4) Additional Discovery. Nothing in the minimum requirements of this rule shall preclude relevant additional discovery in accordance with the Nevada Rules of Civil Procedure.

(5) Disclosure of Expert Witness and Testimony. A party shall disclose the identity of any person who may be used at trial to present evidence pursuant to 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 supplement these disclosures when required under Rule 26(e)(1).

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

(6) Nonexpert Witness. 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 not be allowed to call a witness at trial who has not been disclosed at least 45 days before trial.

(7) 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)(E), 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 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 be granted and the objecting party shall be made to pay reasonable attorney fees and costs.

(e) Continuing Duty to Supplement and Disclose. The duty described in this rule shall be a continuing duty, and each party shall make additional or amended disclosures whenever new or different information is discovered or revealed. Such additional or amended disclosures, including corrections to a party's financial disclosure form, shall be made not more than 14 days after the party acquires additional information or otherwise learns that in some material respect the party's disclosure is incomplete or incorrect. However, if a hearing, deposition, case management conference, or other

calendared event is scheduled less than 14 days from the discovery date, then the update must be filed and served within 24 hours of the discovery of new information.

(f) Failure to File or Serve Financial Disclosure Form or to Produce Required Disclosures. If a party fails to timely file or serve the appropriate financial disclosure form required by this rule, or the required information and disclosures under this rule, the court shall 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) 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) that other means fully compensate the nonviolating party for any losses, delays, and expenses suffered as a result of the violation.

(1) Sanctions.

(A) 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;

(B) 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.

(g) Failure to Accurately Report Income. If a party intentionally fails to accurately report income, the court shall 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.

(A) 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) These discretionary sanctions are encouraged for repeat or egregious violations.

(h) 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 be presumed authentic and genuine and shall not be excluded from evidence on these grounds.

(i) Case Management Conferences.

(1) Attendance at Early Case Conference. Within 45 days after service of the Answer, the parties and the attorneys for the parties shall confer for the purpose of complying with Section (d) of this rule. 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 parties may submit a Stipulation and 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. The time for holding a case conference with

respect to a defendant who has filed a motion pursuant to Rule 12(b)(2)-(4) is tolled until entry of an order denying the motion.

(2) Early Case Conference Report. Within 15 days after each case conference, but not later than 5 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) A statement of jurisdiction;

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

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

(D) A 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) A 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 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 list of witnesses exchanged in accordance with Rule 16.205(d)(5) and (d)(6);

(H) 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) A litigation budget; and

(J) Proposed trial dates.

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

At the case management conference, the court, counsel, and the parties shall:

(A) 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 orders that should be entered setting the case for settlement conference and/or for trial;

(B) 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;

(C) Recite stipulated terms on the record pursuant to local district court rules;

(D) Enter interim orders sufficient to keep the peace and allow the case to progress; for matters that are claimed to be in contest, directions by the court as to which party will have which burden of proof;

_____ (E) Discuss the litigation budget and its funding; and

_____ (F) Enter a scheduling order.

In the event a party fails to attend the case management conference and the judge believes that some or any actions cannot be taken in the absence of the missing party, the court shall reschedule the case management conference and make an appropriate award of fees imposed on the nonappearing party, measured by the cost of the attendance of the complying party.

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

_____ (A) A brief description of the nature of the action;

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

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

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

_____ (E) A deadline on which discovery will close;

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

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

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

If the court orders one of the parties to prepare the foregoing case management order, that party shall submit the order to the other party for

signature within 10 calendar days after the case management conference. The order shall be submitted to the court for entry within 20 calendar days after the case management conference.

(j) 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.

(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.

EXHIBIT B

ADOPTION OF ORDER SETTING CASE MANAGEMENT
CONFERENCE AND DIRECTING COMPLIANCE WITH NRCP 16.2

Eighth Judicial District Court
Family Division
Clark County, Nevada

_____) <u>Case No.:</u>
)
<u>Plaintiff,</u>) <u>Department:</u>
)
<u>vs.</u>)
)
_____)
)
<u>Defendant.</u>)
)

ORDER SETTING CASE MANAGEMENT CONFERENCE
AND DIRECTING COMPLIANCE WITH NRCP 16.2

Pursuant to NRCP 16.2, the above-entitled matter is set for a case
management conference on _____, 2016, at the hour of
_____ .m. in Department _____ of the Eighth Judicial District Court.

Pursuant to NRCP 16.2(a)(1), you must attend and participate in this
court hearing.

Pursuant to NRCP 16.2, IT IS HEREBY ORDERED that:

1. Your Financial Disclosure Form must be filed and served by
_____ . You may opt-in to the Detailed Financial Disclosure
Form and Complex Litigation procedure by filing and serving a "Request
to Opt-in to Detailed Financial Disclosure Form and Complex Litigation
Procedure" certifying that:

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

3 (B) Either party is self-employed or the owner, partner,
4 managing or majority shareholder, or managing or majority member of a
5 business; or

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

8 If none of the foregoing applies or neither party filed a Request to Opt-in,
9 you must complete the General Financial Disclosure Form.

10 2. On _____, at the same time the Financial Disclosure
11 Form is filed, you must provide to the other party initial disclosures
12 mandated by NRCP 16.2(d). Such initial disclosures shall include the
13 following information and documentation:

14 (A) Bank and Investment Statements. Copies of all
15 monthly or periodic bank, checking, savings, brokerage, investment, and
16 security account statements in which any party has or had an interest for
17 the period commencing 6 months prior to the service of the Summons and
18 Complaint through the date of the disclosure;

19 (B) Credit Card and Debt Statements. Copies of credit
20 card statements and debt statements for all parties for all months for the
21 period commencing 6 months prior to the service of the Summons and
22 Complaint through the date of disclosure;

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

27 (D) Property Debts. Copies of all monthly or periodic
28 statements and documents showing the balances owing on all mortgages.

1 notes, liens, and encumbrances outstanding against all real property and
2 personal property in which the party has or had an interest for the period
3 commencing 6 months prior to the service of the Summons and Complaint
4 through the date of the disclosure; or if no monthly or quarterly
5 statements are available during this time period, the most recent
6 statements or documents that disclose the information;

7 (E) Loan Applications. Copies of all loan applications that a
8 party has signed within 12 months prior to the service of the Summons
9 and Complaint through the date of the disclosure;

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

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

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

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

(J) Insurance. Copies of all monthly or periodic statements
and documents showing the cash surrender value, face value, and
premiums charged for all life insurance policies in which any party has or
had an interest for the period commencing 6 months prior to the service of

1 the Summons and Complaint through the date of the disclosure; or if no
2 monthly or quarterly statements are available during this time period, the
3 most recent statements or documents that disclose the information;

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

7 (L) Values. Copies of all documents that may assist in
8 identifying or valuing any item of real or personal property in which any
9 party has or had an interest for the period commencing 6 months prior to
10 the service of the Summons and Complaint through the date of the
11 disclosure, including any documents that the party may rely upon in
12 placing a value on any item of real or personal property (i.e., appraisals,
13 estimates, or official value guides);

14 (M) Tax Returns. Copies of all personal and business tax
15 returns, balance sheets, profit and loss statements, and all documents that
16 may assist in identifying or valuing any business or business interest for
17 the last 5 completed calendar or fiscal years with respect to any business
18 or entity in which any party has or had an interest within the past 12
19 months;

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

(O) Personalty. A list of all items of personal property with
an individual value exceeding \$200, including, but not limited to,
household furniture, furnishings, antiques, artwork, vehicles, jewelry,
coins, stamp collections, and similar items in which any party has an

1 interest, together with the party's estimate of current fair market value
2 (not replacement value) for each item.

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

6 3. No later than (90 days after the Financial
7 Disclosure Form is due), you must disclose the identity of any witnesses
8 (any person who may be used at trial to present evidence pursuant to NRS
9 50.275, 50.285, and 50.305). If the evidence is intended solely to contradict
10 or rebut evidence on the same subject matter, the disclosure must be
11 within 21 days after the disclosure made by the other party.

12 4. No later than (45 days after service of the Answer), you
13 and, if you have an attorney, your attorney, must meet for an Early Case
14 Conference. This conference is intended for the purpose of ensuring
15 compliance with the initial disclosure rules (see paragraph 2; NRCP
16 16.2(d)). The Plaintiff shall designate the time and place of each meeting,
17 which must be held in the county where the action was filed, unless the
18 parties agree upon a different location. You and the other party may
19 submit a Stipulation and Order to continue the time for the case
20 conference for an additional period of not more than 60 days, which the
21 court may, in its discretion and for good cause shown, enter. Absent
22 compelling and extraordinary circumstances, neither the court nor the
23 parties may extend the time to a day more than 90 days after service of
24 the Answer. The time for holding a case conference with respect to a
defendant who has filed a motion pursuant to Rule 12(b)(2)-(4) is tolled
until entry of an order denying the motion.

5. Early Case Conference Report. Within 15 days after the case
conference, but not later than (5 days prior to the scheduled

1 case management conference), you must file a joint early case conference
2 report, or if you and the other side are unable to agree upon the contents
3 of a joint report, you must serve and file an early case conference report,
4 which, either as a joint or individual report, must contain:

5 (A) A statement of jurisdiction;

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

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

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

16 (E) A written list of all documents not provided under Rule
17 16.2(d), together with the explanation as to why each document was not
18 provided;

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

22 (G) A list of the property (including pets, vehicles, real estate,
23 retirement accounts, pensions, etc.) that each litigant seeks to be awarded
24 in this action;

(H) The list of witnesses exchanged in accordance with Rule
16.2(d)(5) and (d)(6);

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

4 (J) A litigation budget; and

5 (K) Proposed trial dates.

6 6. You are under the continuing obligation to supplement any
7 disclosures required herein or by court rule. You must make additional or
8 amended disclosures whenever new or different information is discovered
9 or revealed. Such additional or amended disclosures, including corrections
10 to your financial disclosure form, shall be made within 14 days after
11 acquiring the additional information or after otherwise learning that your
12 disclosure is incomplete or incorrect. However, if a hearing, deposition,
13 case management conference, or other calendared event is scheduled less
14 than 14 days from the discovery date, then the update must be filed and
15 served within 24 hours of the discovery of new information.

16 7. If you fail to timely complete, file, or serve the appropriate
17 financial disclosure form required by this rule, or the required information
18 and disclosures under this rule, the court shall impose an appropriate
19 sanction upon you, your attorney, or both, unless specific affirmative
20 findings of fact are made that you have proven: (1) either good cause for
21 the failure by a preponderance of the evidence or that the violating party
22 would experience an undue hardship if the penalty is applied; and (2) that
23 other means fully compensate the nonviolating party for any losses,
24 delays, and expenses suffered as a result of the violation. Sanctions may
include:

(A) 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

1 attorney fees and costs incurred as a result of the failure, and any other
2 sanction the court deems just and proper; and/or

3 (B) An order refusing to allow the violating party to support or
4 oppose designated claims or defenses, or prohibiting that party from
5 introducing designated matters in evidence, and/or any other sanction the
6 court deems just and proper.

7 8. Failure to include any asset or accurately report income will
8 result in sanctions if the nonviolating party can establish by a
9 preponderance of the evidence that there is not good cause for the failure.

10 Sanctions may include:

11 (A) An order finding the violating party in civil contempt of
12 court, an award of reasonable attorney fees and costs to the nonviolating
13 party, and any other sanction the court deems just and proper; and/or

14 (B) An order awarding the omitted asset to the opposing party
15 as his or her separate property or making another form of unequal
16 division of community property, and/or any other sanction the court deems
17 just and proper.

18 Dated this day of , 2016.

19 District Court Judge

EXHIBIT C

ADOPTION OF PRE-CASE MANAGEMENT CONFERENCE
CERTIFICATION FORM

PRE-CASE MANAGEMENT CONFERENCE CERTIFICATION FORM

Plaintiff/Attorney for Plaintiff and Defendant/Attorney for Defendant each
certify as follows:

I. General

Plaintiff's Financial Disclosure Form was due to be filed on
_____.

Defendant's Financial Disclosure Form was due to be filed on
_____.

Plaintiff filed a Financial Disclosure Form on _____ [date].

If not timely filed, set forth reasons: _____.

Defendant filed a Financial Disclosure Form on _____ [date].

If not timely filed, set forth reasons: _____.

The Parties/Attorneys together met and reviewed the filed Financial
Disclosure Forms on _____ [date].

The Parties/Attorneys have/have not agreed upon a mutual numbering
system for the assets and debts.

**[Unless otherwise agreed, all Financial Disclosure Forms shall follow
the numbering system for the assets and debts as set forth in the
first Financial Disclosure Form to be filed with the court.]**

If either party is making a claim of separate property, please complete the
page entitled "Separate Property Claims."

Plaintiff requires this information from Defendant to complete
Plaintiff's understanding of the community property assets:
_____.

Defendant requires this information from Plaintiff to complete Defendant's understanding of the community property assets:

Plaintiff requires this information from Defendant to complete Plaintiff's understanding of each party's debts:

Defendant requires this information from Plaintiff to complete Defendant's understanding of each party's debts:

The parties agree Plaintiff shall have temporary exclusive use and possession of the following assets during the pendency of the case:

Plaintiff further seeks exclusive use and possession of the following assets during the pendency of the case:

The parties agree Defendant shall have temporary exclusive use and possession of the following assets during the pendency of the case:

Defendant further seeks exclusive use and possession of the following assets during the pendency of the case:

The parties agree that temporary spousal support shall be paid by Plaintiff/Defendant as follows:
(include amount and due date).

If the parties have not agreed on temporary spousal support, state each party's reasons:

Plaintiff:

Defendant:

Plaintiff requires this information from Defendant to complete Plaintiff's understanding of each party's income:

Defendant requires this information from Plaintiff to complete Defendant's understanding of each party's income:

The following debts shall be paid by Plaintiff during the pendency of the case:

The following debts shall be paid by Defendant during the pendency of the case:

If the parties have not agreed on temporary assignment of payment of debts, state each party's reasons:

Plaintiff:

Defendant:

If either party objects to the production of documents or information, state each party's reasons:

The parties agree to the values of the following assets:

1.

2.

3.

The parties agree that these assets require valuation by experts:

The parties further agree Plaintiff/Defendant shall pay to [expert] by [date] the sum of \$ as and for such expert valuation.

The parties agree that these assets will be valued by a jointly retained, neutral expert: . The parties further agree Plaintiff/Defendant shall pay to [expert] by [date] the sum of \$ as and for such expert valuation.

Plaintiff has requested that Defendant sign these authorizations: . The requests have resulted in these disputes:

Defendant has requested that Plaintiff sign these authorizations: . The requests have resulted in these disputes:

The parties have/do not have any immediate financial discovery disputes. [If the parties cannot so certify, a referral to the Discovery Commissioner may be made at the Case Management Conference.]

The parties have agreed upon a discovery plan concerning financial information as follows:

Disclosure of these expert witnesses have been made:

Plaintiff:

Defendant:

Disclosure of these nonexpert witnesses have been made:

Plaintiff:

Defendant:

II. Child Custody

The parties have agreed upon a temporary child custody plan as follows:

If the parties have not reached a temporary custody plan, state the reasons:

Plaintiff:

Defendant:

If the parties have not reached a temporary custody plan, each party shall address the factors set forth in NRS 125C.0035(4)(a) through (l) on the attached form entitled Child Custody Worksheet Declaration.

Plaintiff requires the following information from Defendant to help resolve the custody dispute:

Defendant requires the following information from Plaintiff to help resolve the custody dispute:

The parties have/do not have any immediate child custody discovery disputes. [If the parties cannot so certify, a referral to the Discovery Commissioner may be made at the Case Management Conference.]

The parties have agreed upon a discovery plan concerning child custody:

III. Child Support

Temporary child support shall be paid by Plaintiff/Defendant:

If the parties have not agreed on temporary child support, state the reasons, including why there should be a departure from the statutory formula in the Nevada Revised Statutes:

Plaintiff:

Defendant:

The parties have/do not have any immediate child support discovery disputes. [If the parties cannot so certify, a referral to the Discovery Commissioner may be made at the Case Management Conference.]

The parties have agreed upon a discovery plan concerning child support:

**DECLARATION EXECUTED WITHIN THE STATE
OF NEVADA (NRS 53.045)**

CHILD CUSTODY WORKSHEET

When a court in Nevada makes a custody determination, our Legislature requires that it consider and address in writing certain factors. Please set forth the reasons that support your claims under those factors (a) through (l), and any other reasons you believe may help the court determine the best interests of the child(ren):

1. My name is: _____.
2. My child's/children's name(s) is/are: _____.
3. I am a competent adult.
4. I make this declaration of my own personal knowledge, information, and belief.
5. In determining the best interest of the child, the court shall consider and set forth its specific findings concerning the matters set out below. I address those issues as follows:
 - (a) The wishes of the child if the child is of sufficient age and capacity to form an intelligent preference as to the child's physical custody.
 - (b) Any nomination of a guardian for the child by a parent.
 - (c) Which parent is more likely to allow the child to have frequent associations and a continuing relationship with the noncustodial parent.
 - (d) The level of conflict between the parents.
 - (e) The ability of the parents to cooperate to meet the needs of the child.
 - (f) The mental and physical health of the parents.
 - (g) The physical, developmental, and emotional needs of the child.
 - (h) The nature of the relationship of the child with each parent.
 - (i) The ability of the child to maintain a relationship with any sibling.
 - (j) Any history of parental abuse or neglect of the child or a sibling of the child.
 - (k) Whether either parent or any other person seeking physical custody has engaged in an act of domestic violence against the child, a parent of the child, or any other person residing with the child.
 - (l) Whether either parent or any other person seeking physical custody has committed any act of abduction against the child or any other child.

[Other: _____]

[If necessary, continue on back or attach additional pages, numbering each page (e.g., "p. 2 of 2"), and initial each page.]

6. I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED this _____ day of _____, 20 _____.

Signature: _____

**NO NOTARY REQUIRED THOUGH UNDER OATH AND SUBJECT
TO PENALTIES OF PERJURY.**

SEPARATE PROPERTY CLAIMS

Plaintiff makes the following claims of separate property:

1. _____.
2. _____.
3. _____.

Defendant agrees that item numbers _____ are Plaintiff's separate property and therefore makes no claim to those items or their value.

Defendant makes the following claims of separate property:

1. _____.
2. _____.
3. _____.

Plaintiff agrees that item numbers _____ are Defendant's separate property and therefore makes no claim to those items or their value.

Plaintiff offers the following in support of Plaintiff's contested separate property claims:

1. _____.
2. _____.
3. _____.

Defendant offers the following in support of Defendant's contested separate property claims:

1. _____.
2. _____.
3. _____.

Plaintiff offers the following to rebut Defendant's separate property claims:

1. _____.
2. _____.
3. _____.

Defendant offers the following to rebut Plaintiff's separate property claims:

1. _____.
2. _____.
3. _____.