

1 DCRR  
2 Attorney's Name  
3 Attorney's Bar Number  
4 Attorney's Firm Name  
5 Attorney's Address  
6 Attorney's Phone Number  
7 Attorney's E-mail Address  
8 Party Attorney Represents

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 \*,  
10 Plaintiff(s),  
11 v.  
12 \*, et al.,  
13 Defendant(s).

CASE NO.  
DEPT NO.

Date of Hearing: \*, 20\_\_  
Time of Hearing: \_\_\_\_ a.m.

**DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS**

**INSTRUCTIONS: SUBMITTING COUNSEL TO FILL OUT THE INFORMATION REQUESTED IN YELLOW BELOW.**

Party/Attorney appearing for Plaintiff(s): **[LIST]**

Party/Attorney appearing Defendant(s): **[LIST]**

On **[HEARING DATE]**, the parties to the above-captioned matter appeared before the Honorable Discovery Commissioner **[Erin Lee Truman / Adam Ganz]** by and through their counsel listed above, on Movant's **[INSERT FULL TITLE OF MOTION TO COMPEL]** (the "Motion"). The Court reviewed the Motion and **[LIST ALL OTHER PLEADINGS]**, and entertained oral argument made by the parties. For good cause appearing, the Discovery Commissioner hereby makes the following findings and recommendations:

1           **I. FINDINGS**

2           “Parties may obtain discovery regarding any nonprivileged matter that is relevant to any  
3 party’s claims or defenses and proportional to the needs of the case.” NRCp 26(b). Evidence is  
4 relevant if it has any tendency to make the existence of any fact that is of consequence more or  
5 less probable than it would be absent the evidence. NRS 48.015. Evidence need not be  
6 admissible to be discoverable. NRCp 26(b).

7  
8           However, relevance is not the only criteria for permitting discovery and discovery  
9 requests. For discovery to be allowed, it must be **both** relevant to a party’s claim or defense and  
10 proportional to the needs of the case. NRCp 26(b)(1). Only relevant information that is  
11 proportional and probative on the actual claims and defenses in the case is discoverable. When  
12 analyzing whether proposed discovery is proportional, the court must consider and weigh 1) the  
13 importance of the issues at stake in the action; 2) the amount in controversy; 3) the parties’  
14 relative access to relevant information; 4) the parties’ resources; 5) the importance of the  
15 discovery in resolving the issues; and 6) whether the burden or expense of the proposed  
16 discovery outweighs its likely benefit. *Venetian Casino Resort, LLC v. Eighth Judicial Dist. Ct.*,  
17 136 Nev. 221, 467 P.3d 1 (2020).

18           In the instant matter, [Movant] argued the [discovery at issue] is relevant to the  
19 [claim(s)/defenses of \_\_\_\_\_]. In the instant matter, [Movant] argued the [discovery  
20 at issue] is proportional to the needs of the case as follows:

21           [SUMMARIZE – addressing each of the factors identified in the *Venetian* case and  
22 NRCp 26(b)(1) (*apply and discuss this factor*)]

23           **1. The importance of the issues at stake in the action:**

24           **2. The amount in controversy:**

### 3. The parties' relative access to relevant information:

#### 4. The parties' resources:

### 5. The importance of the discovery in resolving the issues:

**6. Whether the burden or expense of the proposed discovery outweighs its likely**

**benefit:**

In response, [NON-MOVING PARTY] argued [SUMMARIZE].

The court adopts [PREVAILING PARTY's] analysis as set forth below:

[SUMMARIZE the PREVAILING PARTY'S ANALYSIS THAT WAS ADOPTED BY

## THE COURT

The court finds [PREVAILING PARTY] has demonstrated the [DISCOVERY AT

**ISSUE** [is or is not] proportional to the needs of the case as set forth herein and the

[DISCOVERY AT ISSUE IS COMPELLED or PROTECTED].

## II. RECOMMENDATIONS

IT IS THEREFORE RECOMMENDED [INSERT RECOMMENDATIONS]

## REGARDING THE UNDERLYING MOTION

The Discovery Commissioner, having met with counsel for the parties, discussed the issues noted above, and having reviewed any materials proposed in support thereof, hereby submits the above recommendations.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 202\_.

DISCOVERY COMMISSIONER

[CASE NAME AND CASE NUMBER]

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[CASE NAME AND CASE NUMBER]

Submitted by:

\_\_\_\_\_  
Attorney's Name  
Attorney's Firm Name  
Attorney's Address  
Attorney's E-mail Address  
Counsel for \_\_\_\_\_

Approved as to form and content by:

\_\_\_\_\_  
Attorney's Name  
Attorney's Firm Name  
Attorney's Address  
Attorney's E-mail Address  
Counsel for \_\_\_\_\_

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**NOTICE**

Pursuant to NRCP 16.3(c)(2), you are hereby notified that within fourteen (14) days after being served with a report any party may file and serve written objections to the recommendations. Written authorities may be filed with objections, but are not mandatory. If written authorities are filed, any other party may file and serve responding authorities within seven (7) days after being served with objections.

**Objection time will expire on \_\_\_\_\_ 202\_.**

A copy of the foregoing Discovery Commissioner's Report was:

\_\_\_\_\_ Mailed to Plaintiff/Defendant at the following address on the \_\_\_\_ day of \_\_\_\_\_ 202\_:

\_\_\_\_\_ Electronically filed and served counsel on \_\_\_\_\_, 202\_, Pursuant to NEFCR, Rule 9.

By: \_\_\_\_\_  
COMMISSIONER DESIGNEE

1 ORDR  
Attorney's Name  
2 Attorney's Bar Number  
Attorney's Firm Name  
3 Attorney's Address  
4 Attorney's Phone Number  
Attorney's E-mail Address  
5 Party Attorney Represents

6 DISTRICT COURT  
7 CLARK COUNTY, NEVADA

8 \*,  
9  
10 Plaintiff(s),  
11 v.  
12 \*, et al.,  
13 Defendant(s).

CASE NO. A  
DEPT NO.

HEARING DATE:  
HEARING TIME:

14  
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16  
17 ORDER  
18 RE: DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS

19  
20 The court, having reviewed the above report and recommendations prepared by the Discovery  
Commissioner and,

21 \_\_\_\_\_ No timely objection having been filed,

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23 \_\_\_\_\_ After reviewing the objections to the Report and Recommendations and good cause  
24 appearing,

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CASE NAME:  
CASE NO:

AND

\_\_\_\_\_ IT IS HEREBY ORDERED the Discovery Commissioner's Report and Recommendations are affirmed and adopted.

\_\_\_\_\_ IT IS HEREBY ORDERED the Discovery Commissioner's Report and Recommendations are affirmed and adopted as modified in the following manner.  
(attached hereto)

\_\_\_\_\_ IT IS HEREBY ORDERED this matter is remanded to the Discovery Commissioner for reconsideration or further action.

\_\_\_\_\_ IT IS HEREBY ORDERED that a hearing on the Discovery Commissioner's Report is set for \_\_\_\_\_, 202\_, at \_\_\_\_\_:\_\_\_\_\_ a.m.

\_\_\_\_\_