DCRR
Attorney's Name
Attorney's Bar Number
Attorney's Firm Name
Attorney's Address
Attorney's Phone Number
Attorney's E-mail Address
Party Attorney Represents

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

*, Plaintiff(s), v. *, et al., 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 Truman / Shara L. Larson] 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:

I. FINDINGS

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

However, relevance is not the only criteria for permitting discovery and discovery requests. For discovery to be allowed, it must be **both** relevant to a party's claim or defense and proportional to the needs of the case. NRCP 26(b)(1). Only relevant information that is proportional and probative on the actual claims and defenses in the case is discoverable. When analyzing whether proposed discovery is proportional, the court must consider and weigh 1) the importance of the issues at stake in the action; 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; and 6) whether the burden or expense of the proposed discovery outweighs its likely benefit. *Venetian Casino Resort, LLC v. Eighth Judicial Dist. Ct.*, 136 Nev. 221, 467 P.3d 1 (2020).

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

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

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

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 _____, 20__.

_____

THE HONORABLE (ERIN TRUMAN/SHARA L. LARSON)
DISCOVERY COMMISSIONER

[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 _____

N O T I C E

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_____20__.

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

_____ Mailed by United States Postal Service, postage prepaid, on _____, 20___ to the parties listed below at their last known address(es):

_____ Electronically e-filed and e-served to all registered counsel and parties on _____, 20__, Pursuant to N.E.F.C.R. Rule 9.

By:_____
COMMISSIONER DESIGNEE

ORDCR
Attorney's Name
Attorney's Bar Number
Attorney's Firm Name
Attorney's Address
Attorney's Phone Number
Attorney's E-mail Address
Party Attorney Represents

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

*, Plaintiff(s), v. *, et al., Defendant(s).	CASE NO. DEPT NO. HEARING DATE: HEARING TIME:

ORDER
RE: DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS

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

_____ No timely objection having been filed,

_____ After reviewing the objections to the Report and Recommendations and good cause appearing,

* * *

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 _____, 20__, at _____:_____ a.m.

_____