

SUGGESTED AMENDMENT
CIVIL RULES FOR COURTS OF LIMITED JURISDICTION
(CRLJ)

CRLJ 26 - DISCOVERY

1 Discovery in courts of limited jurisdiction shall be permitted as follows:

2 **(a) Initial Disclosures.** A party shall provide to the other parties, without waiting a
3 discovery request:

4 (1) the name, address, and telephone number of each individual that possess any
5 relevant information that supports the disclosing party's claims or defenses;

6 (2) a copy of each document and other relevant evidence supporting the disclosing
7 party's claims or defenses, but if a document or other relevant evidence cannot easily be copied,
8 the disclosing party shall make the item reasonably available for inspection by the other parties;

9 (3) a copy of each document the disclosing party refers to in its pleadings;

10 (4) a description and computation of each category of damages claimed by the
11 disclosing party, but only a description, not a computation, is required for general and
12 noneconomic damages;

13 (5) the declarations page of any insurance agreement under which an insurance
14 business may be liable to satisfy all or part of a judgment that may be entered in the action or to
15 indemnify or reimburse for payments made to satisfy the judgment; and
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17 (6) in any action where insurance coverage is or may be contested, a copy of the
18 agreement and all letters from the insurer regarding coverage.
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20 (7) **Sanctions for Failure to Disclose.** The parties shall reasonably cooperate. A party
21 that fails to cooperate or fails to timely make the disclosures required by this rule may be
22 sanctioned as provided in these rules. The sanction may include an order to pay the reasonable
23 expenses, including attorney fees, caused by the violation.
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1 **(b) Interrogatories and Request for Production.**

2 (1) Any party may serve upon any other party not more than two sets of written
3 interrogatories containing not more than 20 questions per set without prior permission of the
4 court. Separate sections, paragraphs or categories contained within one interrogatory shall be
5 considered separate questions for the purpose of this rule. The interrogatories shall conform to
6 the provisions of CR 33.
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8 (2) Any party may submit to any other party a request for production of up to five
9 separate sets of groups of documents or things without prior permission of the court. The
10 requests for production shall conform to the provisions of CR 34.

11 **(c) Depositions.**

12 (1) A party may take the deposition of any other party, unless the court orders
13 otherwise.

14 (2) Each party may take the deposition of two additional persons without prior
15 permission of the court. The deposition shall conform to the provisions of CR 30.
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17 **(d) Requests for Admission.**

18 (1) A party may serve upon any other party up to 15 written requests for admission
19 without prior permission of the court. Separate sections, paragraphs or categories contained
20 within one request for admission shall be considered separate requests for purposes of this rule.

21 (2) The requests for admission shall conform to the provisions of CR 36.

22 **(e) Other Discovery at Discretion of Court.** No additional discovery shall be
23 allowed, except as the court may order. The court shall have discretion to decide whether to
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1 permit any additional discovery. In exercising such discretion the court shall consider (1)
2 whether all parties are represented by counsel, (2) whether undue expense or delay in bringing
3 the case to trial will result and (3) whether the interests of justice will be promoted.

4 **(f) How Discovery to Be Conducted.** Any discovery authorized pursuant to this rule
5 shall be conducted in accordance with Superior Court Civil Rules 26 through 37, as governed by
6 CRLJ 26.

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8 **(g) Time for Discovery.** Twenty-one days after the service of the summons and
9 complaint, or counterclaim, or cross complaint, the served party must produce the discovery set
10 forth in section (a) of this rule and may demand the discovery set forth in sections (b)-(d) of this
11 rule, or request additional discovery pursuant to section (e) of this rule.