

1 **Rule 26.3. Disclosure in unlawful detainer actions.**

2 **(a) Scope.** This rule applies to all actions for eviction or damages arising out of an unlawful detainer
3 under Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer when the tenant is not a commercial
4 tenant.

5 **(b) Plaintiff's disclosures.**

6 **(b)(1) Disclosures served with complaint and summons.** Instead of the disclosures and timing
7 of disclosures required by Rule 26(a), and unless included in the complaint, the plaintiff must serve on
8 the defendant with the summons and complaint:

9 (b)(1)(A) any written rental agreement;

10 (b)(1)(B) the eviction notice that was served;

11 (b)(1)(C) an itemized calculation of rent past due, damages, costs and attorney fees at the
12 time of filing;

13 (b)(1)(D) an explanation of the factual basis for the eviction; and

14 (b)(1)(E) notice to the defendant of the defendant's obligation to serve the disclosures
15 required by paragraph (c).

16 **(b)(2) Disclosures for occupancy hearing.**

17 (b)(2)(A) If the plaintiff requests an evidentiary hearing to determine occupancy under Section
18 78B-6-810, the plaintiff must serve on the defendant with the request:

19 (b)(2)(A)(i) any document not yet disclosed that the plaintiff will offer at the hearing; and

20 (b)(2)(A)(ii) the name and, if known, the address and telephone number of each fact
21 witness the plaintiff may call at the occupancy hearing and, except for an adverse party, a
22 summary of the expected testimony.

23 (b)(2)(B) If the defendant requests an evidentiary hearing to determine occupancy, the
24 plaintiff must serve the disclosures required by paragraph (b)(2)(A) on the defendant no less than
25 2 days before the hearing. The plaintiff must serve the disclosures by the method most likely to
26 be promptly received.

27 **(c) Defendant's disclosures for occupancy hearing.**

28 (c)(1) If the defendant requests an evidentiary hearing to determine occupancy under Section
29 78B-6-810, the defendant must serve on the plaintiff with the request:

30 (c)(1)(A) any document not yet disclosed that the defendant will offer at the hearing; and

31 (c)(1)(B) the name and, if known, the address and telephone number of each fact witness the
32 defendant may call at the occupancy hearing and, except for an adverse party, a summary of the
33 expected testimony.

34 (c)(2) If the plaintiff requests an evidentiary hearing to determine occupancy, the defendant must
35 serve the disclosures required by paragraph (c)(1) on the plaintiff no less than 2 days before the
36 hearing. The defendant must serve the disclosures by the method most likely to be promptly received.

37 | **(d) Pretrial disclosures; objections.** No later than 14 days before trial, the parties must serve the
38 | disclosures required by Rule 26(a)(5)(A). No later than 7 days before trial, each party must serve and file
39 | counter designations of deposition testimony, objections and grounds for the objections to the use of a
40 | deposition and to the admissibility of exhibits.

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