

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 evidentiary hearing.~~**

17 (b)(2)(A) If the plaintiff requests an evidentiary hearing ~~to determine occupancy~~ under  
 18 Section **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 evidentiary hearing~~ and, except for an adverse  
 22 party, a summary of the expected testimony.

23 (b)(2)(B) If the defendant requests an evidentiary hearing ~~to determine occupancy~~ under  
 24 **Section 78B-6-810**, the plaintiff must serve the disclosures required by paragraph (b)(2)(A) on the  
 25 defendant no less than 2 days before the hearing. The plaintiff must serve the disclosures by the  
 26 method most likely to be promptly received.

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

28 (c)(1) If the defendant requests an evidentiary hearing ~~to determine occupancy~~ under  
 29 Section **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 evidentiary hearing~~ and, except for an adverse party, a  
 33 summary of the expected testimony.

34 (c)(2) If the plaintiff requests an evidentiary hearing ~~to determine occupancy~~ under **Section 78B-6-**  
 35 **810**, the defendant must serve the disclosures required by paragraph (c)(1) on the plaintiff no less  
 36 than 2 days before the hearing. The defendant must serve the disclosures by the method most likely  
 37 to be promptly received.

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

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