

FILED

08/13/2019

Clerk of the
Appellate Courts

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

**IN RE AMENDMENTS TO THE TENNESSEE RULES
OF CIVIL PROCEDURE**

No. ADM2019-01444

ORDER

The Advisory Commission on the Rules of Practice & Procedure annually presents recommendations to the Court to amend the Tennessee Rules of Appellate, Civil, Criminal, and Juvenile Procedure, and the Tennessee Rules of Evidence. With its meeting on July 19, 2019, the Advisory Commission completed its 2018-2019 term, and the Commission thereafter transmitted its recommendations to the Court.

The Court hereby solicits written comments from the bench, the bar, and the public concerning the Advisory Commission's recommended amendments set out in Appendix I (proposed amendments to the Rules of Civil Procedure) to this order. The deadline for submitting written comments is December 13, 2019. Written comments may either be submitted by email to appellatecourtclerk@tncourts.gov or by mail addressed to:

James Hivner, Clerk
Re: 2020 Rules Package
100 Supreme Court Building
401 7th Avenue North
Nashville, TN 37219-1407

and should reference the docket number set out above.

The Clerk shall provide a copy of this order to LexisNexis and to Thomson Reuters. In addition, the order shall be posted on the Tennessee Supreme Court's website.

PER CURIAM

APPENDIX I

PROPOSED AMENDMENTS TO THE TENNESSEE

RULES OF CIVIL PROCEDURE

(new text indicated by underlining; deleted text indicated by overstriking)

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 5

SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

[Revise the text of subsection 5.02 and add the new Advisory Commission Comment (2020 Amendment) set out below. Additions are underlined and deleted text is stricken.]

Rule 5.02: *Service — How Made.* Service shall be made pursuant to one of the methods set forth in (1), (2), or (3). Whenever under these rules service is required or permitted to be made on a party represented by an attorney, the service shall be made ~~upon~~on the attorney unless service ~~upon~~on the party is ordered by the court. ~~Service shall be made pursuant to the methods set forth in (1) or (2).~~ If an attorney has filed a notice of limited scope representation or a notice of limited appearance for an otherwise self-represented person, pursuant to Rule 11.01(b), service shall be made on the self-represented person and on the attorney until such time as a notice of completion of limited scope representation has been filed. After notice of completion of limited scope representation has been filed, service ~~upon~~on the attorney previously providing limited scope representation shall no longer be necessary.

(1) Service ~~upon~~on the attorney or ~~upon~~on a party ~~shall~~may be made by delivering to him or her a copy of the document to be served, or by mailing it to such person's last known address, or if no address is known, by leaving the copy with the clerk of the court. Delivery of a copy within this rule means: handing it to the attorney or to the party; or leaving it at such person's office with a clerk or other person in charge thereof; or, if there is none in charge, leaving it in a conspicuous place therein; or, if the office is closed or the person to be served has no office, leaving it at the person's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein. Service by mail is complete upon mailing. ~~Items~~Documents

which may be filed by facsimile transmission pursuant to Rule 5A may be served by facsimile transmission.

(2) (a) Service ~~upon~~on any attorney may also be made by ~~sending~~emailing him or her the document in Adobe PDF ~~format~~ to the attorney's email address, which shall be promptly furnished on request. The sender shall include language in the subject line designed to alert the recipient that a document is being served under this rule. On the date that a document served under this rule is electronically sent to an attorney, the sender shall send by mail, facsimile or hand-delivery a certificate that advises that a document has been transmitted electronically. The certificate shall state the caption of the action; the trial court file number; the title of the transmitted document; the number of pages of the transmitted document (including all exhibits thereto); the sender's name, address, telephone number and electronic mail address; the electronic mail address of each recipient; and the date and time of the transmission. The certificate shall also include words to this effect: "If you did not receive this document, please contact the sender immediately to receive an electronic or physical copy of this document." The certificate shall be sent to all counsel of record.

(b) ~~An attorney~~A sender who ~~sends~~sends a document ~~to another attorney electronically~~ and who is notified that it was not received must promptly furnish a copy of the document to the attorney who did not receive it.

(c) A document transmitted ~~electronically~~by email shall be treated as a document that was mailed for purposes of computation of time under Rule 6.

(d) For good cause shown, an attorney may obtain a court order prohibiting service of documents on that attorney by electronic mail and requiring that all documents be served under subsection ~~(1)~~ or (3).

(3)(a) Service required by these rules also may be made on any registered user of a court's E-filing system by filing any document that may be E-served with that court's E-filing system. E-service shall constitute effective service under these rules and no other service on such registered users is required, unless otherwise ordered by the court.

(b) Any attorney or any self-represented party who is not a registered user of an E-filing system, or known by the E-filer not to have been E-served, must be served by a means authorized in subsection (1) or (2) of this rule.

(c) Unless ordered otherwise by the court, a court or court clerk may, through such court's E-filing system, transmit to registered users all notices, orders, opinions, or judgments filed by the court or court clerk, which transmission shall constitute proper service and shall satisfy the notice requirements of Tenn. R. Civ. P. 58 or any other applicable rules of procedure.

(d) Any court has the discretion, for good cause shown, to order that a means of service authorized in these rules other than E-service be required in a particular case.

(e) A document that is E-served shall be treated as a document that was mailed for purposes of computation of time under Rule 6.

(f) For purposes of E-service under Rule 5, the definitions in Rule 5B shall apply.

Advisory Commission Comment [2020 Amendment]

Advisory Commission Comments [2020]. Rule 5.02(3) has been added to provide for electronic service through a court's E-Filing system, provided that such a system has been authorized by

such court pursuant to Rule 5B of these rules. The amended rule authorizes E-service through a court's electronic transmission facilities as to any registered user of such facilities. An attorney or party who chooses to become a registered user of a court's E-filing system shall be required to accept service through the court's electronic facilities unless otherwise ordered by the court in that particular case. As a result of this amendment, service may be effectuated under these rules by any of three means: the conventional means of service authorized in Rule 5.02(1), by electronic transmission or email as authorized in Rule 5.02(2), or by E-service pursuant to Rule 5.02(3) in those courts that have adopted an E-filing system that complies with Rule 5B and the technological standards promulgated by the Tennessee Supreme Court.

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 5B

ELECTRONIC FILING, SIGNING, VERIFICATION AND SERVICE

[Add the text below to Rule 5B and add the new Advisory Commission Comment (2020 Amendment) set out below. Additions are underlined and deleted text is stricken.]

Any Court governed by these Rules, may, by local rule, allow ~~papers~~documents to be filed, signed, ~~or~~and verified by ~~electronic means~~registered users of an E-filing system. Any local rule that comply with technological standards promulgated by the Supreme Court, allows documents to be E-filed may also allow such documents to be E-served. Pleadings and other ~~papers~~documents filed or served electronically under any such local rule shall be considered the same as written ~~papers~~documents filed or served by conventional means. The following definitions shall apply herein:

(a) “E-file” or “E-filing” means the proper electronic transmission of original documents to and from the court for the purposes of E-filing using the court’s E-filing system.

(b) “E-Filer” means a registered user who e-files a document.

(c) “E-Filing system” means a system adopted by local rule of any Circuit, Chancery, Criminal, Probate, Juvenile or General Sessions Court Clerk that allows for the E-filing of documents and is in compliance with the technological standards promulgated by the Tennessee Supreme Court.

(d) “E-service” or “E-served” means the automatically generated electronic transmission, by and through an E-filing system, of a notice or document to all participants in a case who are registered users.

(e) A “registered user” is a person who has properly registered with and has been authorized by a court system administrator to use an E-filing system for the E-filing of documents in

accordance with the requirements of a local rule of court. A registered user is deemed to have consented to E-service and is responsible for maintaining a valid and current e-mail address in the E-filing system.

Advisory Commission Comment [2020 Amendment]

Advisory Commission Comments [2020]. Rule 5B is amended along with Rule 5.02 to provide for a means of service through a Court's e-filing system adopted in accordance with the first sentence of this rule. The existing Rule 5B provides for e-filing under applicable local rules, but does not provide for service to be made through an e-filing system. The 2020 amendment provides rules for service to be accomplished through an e-filing system. These definitions apply when service is made through an e-filing system under Rule 5.02

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 26. GENERAL PROVISIONS GOVERNING DISCOVERY.

[Revise the text of the subsections 26.01 and 26.07, renumber current subsection 26.07 as 26.08, revise new subsection 26.08, and add the new Advisory Commission Comment (2020 Amendment) set out below. Additions are underlined and deleted text is stricken.]

26.01. Discovery Methods. Parties may obtain discovery by one or more of the following methods: mandatory disclosures, depositions upon oral examination or written questions

Advisory Commission Comments [2020].

Rule 26.01 is amended to add to the list of available discovery methods the mandatory disclosures now provided for under new Rule 26.07.

* * * *

26.07. Mandatory Disclosures. (1) In General. Except as ordered by the court or otherwise provided for herein, a party shall, without awaiting a discovery request, and subject to subdivisions 26.02(2), (3) and (5), provide and serve on all parties the following:

(A) the name and, if known, the last known address, telephone number, and email address of each person likely to have information relevant to the claims or defenses of any party, whether or not supportive of the disclosing party's claims or defenses, along with a brief description of the specific information that each such person is known or believed to possess;

(B) a listing, together with a copy of, or a description by category, of the subject matter and location of all documents, photographs and similar visuals, electronically stored information, data compilations, and other tangible things in the possession, custody or control of the party that are relevant to the claims or defenses of any party, whether or not supportive of the disclosing party's claims or defenses, making available

for inspection and copying such documents and other evidentiary material, as though a request for production of those documents had been served pursuant to Rule 34;

(C) a description of the categories of damages sought by the disclosing party, including information bearing on the nature and extent of injuries suffered; and including a computation of any category of economic damages, making available for inspection and copying any documents or other evidentiary material relevant to the damages sought, as though a request for production of those documents had been served pursuant to Rule 34;
and,

(D) complete copies of all documents to which the disclosing party refers in its pleadings, including any amended pleadings.

(2) Timing and Service of Mandatory Disclosures.

(A) Timing.

(i) Plaintiffs. A plaintiff shall serve its mandatory disclosures within thirty days (30) days immediately following the filing of an answer by a defendant, or in the case of multiple defendants within thirty days (30) days immediately following the filing of the answer by the last defendant to file an answer in the action.

(ii) Defendants. A defendant shall serve mandatory disclosures within thirty (30) days immediately following the filing of an answer by that defendant, or in the case of multiple defendants within thirty days (30) days immediately following the filing of the answer by the last defendant to file an answer in the action.

(B) Service. Notwithstanding Rule 5.05, a party's mandatory disclosures, and any

amendment or supplementation thereof, shall not be filed with the court until they are used in the proceeding or the court orders filing. Service of mandatory disclosures and any supplementation thereof shall be on all parties having made an appearance in the action, by serving counsel for any represented party, and by serving any party appearing pro se.

(3) Additional Mandatory Disclosures Required in Divorce Actions.

(A) In all divorce actions, a party shall, in addition to the requirements of subdivision 26.07(1), and without awaiting a discovery request, and subject to the provisions of subdivisions 26.02(2), (3) and (5), provide and serve on all parties the following:

- (i) the identity and description of each asset or category of assets in which the party claims any interest, such description to include a value for each asset or category of assets identified (and the basis for determining said value), and whether the party claims each asset or category of assets is joint, marital or separate property;
- (ii) the identity and description of each debt and liability (contingent or otherwise) owed by the party, such description to include the amount owed for each debt or liability (and the basis used for determining the amount), and whether the party claims said debt or liability is a joint, marital or separate obligation;
- (iii) a detailed summary and listing of the regular and recurring monthly expenses of the party;
- (iv) the amount of income from all sources, earned to date in the year during

which the mandatory disclosures are first made; and,

(v) a copy of the most recent two (2) years of federal income tax returns filed, along with any and all supporting statements and schedules filed therewith, including but not limited to W-2s, 1099s, and K-1s.

(B) Notwithstanding the provisions of this subdivision, the parties to a divorce action shall be exempt from the requirement to serve mandatory disclosures if, prior to the expiration of the deadline to serve mandatory disclosures, they file or otherwise submit to the court a marital dissolution agreement executed by the parties, and a proposed permanent parenting plan executed by the parties in the event there are minor children of the marriage.

(4) Proceedings Exempted from Mandatory Disclosures. The following proceedings are exempt from mandatory disclosures:

(A) an action for judicial review of adjudicative or administrative proceedings;

(B) enforcement of an arbitration award;

(C) entry and enforcement of a foreign judgment;

(D) any action brought pursuant to the Uniform Child Custody Jurisdiction and Enforcement Act, including emergency relief;

(E) class actions;

(F) appeals from General Sessions Court; and,

(G) probate.

(5) Bases for Serving Mandatory Disclosures. A party shall make its mandatory disclosures, and any amendments or supplementations thereto, based on the information then reasonably available to it. A party is not excused from making its disclosures because it has not fully

investigated the case, or because the party challenges the sufficiency of another party's disclosures, or because another party has not complied with its obligation to make mandatory disclosures.

(6) Amendment and Supplementation of Mandatory Disclosures.

(A) A party is under a duty seasonably to amend a prior mandatory disclosure if a party obtains information upon the basis of which a party knows that the disclosure was incorrect when made, or is no longer true.

(B) A party is under a duty seasonably to supplement the party's mandatory disclosures to include information and evidentiary material thereafter obtained.

(C) No later than sixty (60) days prior to trial, or no later than thirty (30) days prior to any deadline established by the court for completion of discovery, whichever is earlier, a party shall supplement its mandatory disclosures as required herein, or shall serve a notice or statement indicating that no supplement is required.

(7) Modification and Opt Out. The operation of this Rule may be suspended or otherwise modified by the written consent of all parties and upon filing a notice with the court. Nothing herein shall limit the authority of a court, upon motion of any party and a showing of good cause, to suspend or otherwise modify the operation of this Rule, or to otherwise create a schedule or plan for discovery pursuant to Rule 16 or subdivision 26.06.

(8) Nothing in this Rule shall prevent a party from asserting an objection or objections pursuant to Rule 26.02.

(9) Nothing in this Rule shall limit or otherwise restrict the ability of a party to obtain additional discovery pursuant to any method permitted under the Tennessee Rules of Civil Procedure.

Advisory Commission Comments [2020].

New Rule 26.07 imposes on parties a duty to disclose, without awaiting formal discovery requests, certain information that is needed in most cases to prepare for trial or make an informed decision about settlement. A major purpose of the new Rule is to accelerate the exchange of information about the case and to eliminate the paper work involved in requesting such information, and the Rule should be applied in a manner to achieve those objectives.

Mandatory disclosures under new Rule 26.07 are subject to the general signature requirements applicable to discovery requests, responses and objections under amended Rule 26.08 and to sanctions under amended Rule 37.01.

Paragraph (1). As the functional equivalent of court-ordered interrogatories, this paragraph requires early disclosure, without need for any request, of four types of information that have been customarily secured early in litigation through formal discovery: (A) information regarding persons likely to have information relevant to the claims or defenses of any party, whether or not supportive of the disclosing party's claims or defenses; (B) documents relevant to the claims or defenses of any party, whether or not supportive of the disclosing party's claims or defenses; (C) damages information; and, (D) copies of all documents to which the disclosing party refers to in its pleadings. The required disclosures of persons and documents under subsections (A) and (B) are broader than those now required under Fed. R. Civ. P. 26(a)(1)(A)(i) and (ii). While the disclosures under the federal rule are limited to matters which the disclosing party might use to support its claims or defenses, new Rule 26.07 requires disclosure of all persons and documents relevant to the claims or defenses of any party, whether favorable or unfavorable to the disclosing party.

Subparagraph (A) requires identification of all persons who, based on the investigation conducted thus far, are likely to have discoverable information relevant to the factual disputes between the parties. All persons with such information should be disclosed, whether or not their testimony will be supportive of the position of the disclosing party. Indicating briefly the general topics on which such persons possess information should not be burdensome, and will assist other parties in deciding which depositions will actually be needed.

Subparagraph (B) is included as a substitute for the inquiries routinely made about the existence and location of documents and other tangible things in the possession, custody, or control of the disclosing party. In contrast to Fed. R. Civ. P. 26(a)(1)(A)(ii), this provision requires an itemized listing of each exhibit, in addition to a copy or a description by category, and the location of potentially relevant documents and records, including computerized data and other electronically-recorded information, sufficiently to enable opposing parties (1) to make an informed decision concerning which documents might need to be examined, at least initially, and (2) to frame their document requests in a manner likely to avoid disputes resulting from the

wording of the requests. As with persons, the requirement for disclosure of documents applies to all potentially relevant items then known to the party, whether or not supportive of its contentions in the case.

In cases involving few documents, a disclosing party may prefer to provide copies of the documents rather than describe them, and the rule is written to afford this option to the disclosing party. The disclosing party does not, by describing documents under subparagraph (B), waive its right to object to production on the basis of privilege or work product protection, or to assert that the documents are not sufficiently relevant to justify the burden or expense of production. If the disclosing party elects to describe the documents, the party is still required to make the documents available for inspection and copying as though a request for production of documents had been served pursuant to Rule 34. In this way, subparagraph (B), like subparagraph (C), imposes a burden of disclosure that includes the functional equivalent of a standing Request for Production under Rule 34.

The initial disclosure requirements of subparagraphs (A) and (B) are intended to be limited to identification of potential evidence relevant to disputed facts alleged in the pleadings. There is no need for a party to identify potential evidence with respect to allegations that are admitted. Broad, vague, and conclusory allegations sometimes tolerated in notice pleading--for example, the assertion that a product with many component parts is defective in some unspecified manner--should not impose upon responding parties the obligation at that point to search for and identify all persons possibly involved in, or all documents affecting, the design, manufacture, and assembly of the product. The greater the specificity and clarity of the allegations in the pleadings, the more complete should be the listing of persons with knowledge and types of documentary evidence. The disclosure requirements should be applied with common sense in light of the principles of Rule 1, keeping in mind the salutary purposes that the Rule is intended to accomplish. The litigants should not indulge in gamesmanship with respect to the disclosure obligations.

Subparagraph (C) imposes a burden of disclosure that includes the functional equivalent of a standing Request for Production under Rule 34. A party claiming damages or other monetary relief must, in addition to disclosing the calculation of such damages, make available the supporting documents for inspection and copying as if a request for such materials had been made under Rule 34. This obligation applies only with respect to documents then reasonably available to the disclosing party and not privileged or protected as work product. Likewise, a party would not be expected to provide a calculation of damages which depends on information in the possession of another party or person.

Subparagraph (D) requires the production of all documents referred to in the disclosing party's pleadings.

Paragraph (3). New Rule 26.07 contains provisions requiring additional mandatory disclosures specific to divorce actions. These are not required if the parties submit to the court a marital dissolution agreement executed by the parties and a proposed permanent parenting plan executed by the parties in the event there are minor children of the marriage.

Attached as an appendix to these Comments are forms which may be used as a part of the mandatory disclosures required by the parties to a divorce action under new Rule 26.07(3).

Paragraph (4). The types of proceedings enumerated in this paragraph of the Rule are exempt from the mandatory disclosure requirements. These include actions not exempted under Fed. R. Civ. P. 26(a)(1)(B), such as class actions.

Paragraph (5). Before making its disclosures, a party has the obligation to make a reasonable inquiry into the facts of the case. The Rule does not demand an exhaustive investigation at this stage of the case, but one that is reasonable under the circumstances, focusing on the facts that are alleged in the pleadings. The type of investigation that can be expected at this point will vary based upon such factors as the number and complexity of the issues; the location, nature, number, and availability of potentially relevant witnesses and documents; the extent of past working relationships between the attorney and the client, particularly in handling related or similar litigation; and of course how long the party has to conduct an investigation, either before or after filing of the case. A party is not excused from the duty of disclosure merely because its investigation is incomplete. The party should make its initial disclosures based on the pleadings and the information then reasonably available to it. As its investigation continues and as the issues in the pleadings are clarified, it should supplement its disclosures as required by paragraph (6). A party is not relieved from its obligation of disclosure merely because another party has not made its disclosures or has made an inadequate disclosure.

* * * *

26.0708. Signing of Mandatory Disclosures, Discovery Requests, Responses, and Objections.

Every mandatory disclosure, request for discovery, or response or objection thereto made by a party represented by an attorney shall be signed by at least one attorney of record in the attorney's individual name, whose address shall be stated. A party who is not represented by an attorney shall sign the mandatory disclosure, request, response, or objection and state the party's address. The signature of the attorney or party constitutes a certification that the attorney or party has read the request, response, or objection, and that to the best of that person's knowledge, information and belief formed after a reasonable inquiry it is: (1) consistent with these rules and

warranted by existing law or a good faith argument for the extension, modification or reversal of existing law; (2) not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation; and, (3) not unreasonable or unduly burdensome or expensive, given the needs of the case, the discovery already had in the case, the amount in controversy, and the importance of the issues at stake in the litigation. If a mandatory disclosure, request, response, or objection is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the party making the mandatory disclosure, request, response or objection and a party shall not be obligated to take any action with respect to it until it is signed.

If a certification is made in violation of the rule, the court, upon motion or upon its own initiative, shall impose upon the person who made the certification, the party on whose behalf the mandatory disclosure, request, response, or objection is made, or both, an appropriate sanction, which may include an order to pay the amount of the reasonable expenses incurred because of the violation, including a reasonable attorney's fee.

Advisory Commission Comments [2020].

This provision is renumbered and amended to include within the generally applicable signature requirements the mandatory disclosures required under new Rule 26.07.

APPENDIX TO COMMENT

[Rule 26.07(3)]

IN THE _____ COURT FOR _____ COUNTY, TENNESSEE

PLAINTIFF

VS

CASE NO.

DEFENDANT

PROPERTY DIVISION OF

<u>ITEM OF PROPERTY</u>	<u>VALUE</u>	<u>DEBT</u>	<u>EQUITY</u>	<u>WIFE</u>	<u>HUSBAND</u>
REAL ESTATE					
			\$0.00		
			\$0.00		
			\$0.00		
			\$0.00		
			\$0.00		
			\$0.00		
VEHICLES			\$0.00		
			\$0.00		
			\$0.00		
			\$0.00		
			\$0.00		
INVESTMENTS AND ACCOUNTS			\$0.00		
			\$0.00		
			\$0.00		
			\$0.00		
			\$0.00		

IN THE _____ COURT FOR _____ COUNTY, TENNESSEE

PLAINTIFF

VS

CASE NO.

DEFENDANT

LIST OF MONTHLY EXPENSES OF:

<u>ITEM</u>	<u>PER MONTH</u>	<u>COMMENT</u>
AUTOMOBILE PAYMENT		
GASOLINE		
OIL CHANGES		
LICENSE RENEWAL		
TIRE REPLACEMENT		
REPAIRS / SERVICE		
AUTOMOBILE INSURANCE		
HOME MORTGAGE OR RENT		
HOMEOWNERS/RENTERS INSURANCE		
REAL ESTATE TAXES		
ELECTRICITY		
GAS		
WATER		

GARBAGE PICKUP		
TELEPHONE		
CABLE T.V.		
INTERNET FEE		
SECURITY ALARM FEE		
HOME REPAIRS and MAINTENANCE		
YARD CARE		
YARD SUPPLIES and LANDSCAPING		
PEST CONTROL FEES		
MEDICAL INSURANCE		
DENTAL/ VISION INSURANCE		
MEDICINE AND PRESCRIPTIONS		
DEDUCTIBLES PER PERSON		
NON-COVERED MEDICAL EXPENSE		
LIFE INSURANCE		
CANCER/ACCIDENT INSURANCE		
DISABILITY INSURANCE		
FOOD - HOUSEHOLD		
INCIDENTAL FOOD AND SNACKS		
EATING OUT		
WORK LUNCHESES - PARENT		
SCHOOL LUNCHESES		
CLEANING & LAUNDRY SUPPLIES		
PLASTIC & PAPER GOODS		
MAID SERVICE		

DRY CLEANING		
FURNITURE & APPLIANCE REPLACEMENT		
PET FOOD, SUPPLIES, GROOMING		
SAFETY DEPOSIT BOX RENTAL		
STAMPS, OFFICE SUPPLIES & CARDS		
VACATION FUNDS & SHORT TRIPS		
CHARITY CONTRIBUTIONS		
CHURCH CONTRIBUTIONS		
CHRISTMAS CLUB		
SAVINGS		
VITAMINS / DRUG STORE ITEMS		
COUNSELING FEES		
EYE CARE - CHILDREN		
EYE CARE - WIFE		
CLOTHING FOR CHILDREN		
CLOTHING FOR PARENT		
UNIFORMS - PARENT		
UNIFORMS - CHILDREN		
SPORTING EQUIPMENT		
SPORTING / ACTIVITY FEE		
DAYCARE FOR CHILDREN		
BABYSITTERS		
PRE-SCHOOL FEES		

KINDERGARTEN FEES / EXPENSES		
PRIVATE SCHOOL TUITION		
CHRISTMAS GIFTS FOR CHILDREN		
CHRISTMAS GIFTS FOR FAMILY/FRIENDS		
BIRTHDAY GIFTS - CHILDREN / OTHERS		
ENTERTAINMENT FOR PARENT		
ENTERTAINMENT FOR CHILDREN		
BOOKS AND OR MAGAZINES		
NEWSPAPER		
SCHOOL SUPPLIES - TEXTBOOKS		
SCHOOL ACTIVITIES /CLASS ACTIVITIES		
SCHOOL PICTURES		
FIELD TRIPS		
ALLOWANCES FOR CHILDREN		
COSMETICS / TOILETRIES		
HAIRCUTS FOR CHILDREN		
HAIRCUTS / BEAUTY SHOP FOR PARENT		
HYGIENE/SOAP/LOTION/SHAMPOO		
MISCELLANEOUS		
FAMILY BILLS AND ACCOUNTS		
TOTAL HOUSEHOLD EXPENSES	\$0.00	
BRING HOME INCOME		

SHORT FALL/EXCESS	\$0.00	

I, the undersigned, hereby make oath that the forgoing statements are true to the best of my knowledge, information and belief.

Sworn to and subscribed to before me on
this the _____ day of _____, 2008.

NOTARY PUBLIC

My Commission Expires: _____

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 33. INTERROGATORIES TO PARTIES.

[Revise the text of the second paragraph of subsection 33.01 and add the new Advisory Commission Comment (2020 Amendment) set out below. Additions are underlined and deleted text is stricken.]

Rule 33.01: Availability; Procedures for Use.

* * * *

Each interrogatory shall be answered separately and fully in writing under oath, unless an objection is made to it or to a portion thereof, in which event the reasons and grounds for objection shall be stated with specificity in lieu of an answer for that portion to which an objection is made. An objection must clearly indicate whether responsive information is being withheld on the basis of that objection. The answers are to be signed by the person making them, and the objections signed by the attorney making them.

* * * *

Advisory Commission Comment [2020 Amendment]

Rule 33.01 is amended to require that objections to interrogatories be stated with specificity. The amendment is intended to make clear that vague, generalized, or “boilerplate” objections are improper. Instead, objections should be specific as to the grounds for the objection, describing the reason(s) in a manner that will reasonably inform the adverse party as to what aspect of the interrogatory the objection pertains, thereby facilitating the resolution of discovery disputes without the need for judicial intervention.

In addition, the rule is amended to require that any objection or response under Rule 33 make clear whether information is actually being withheld pursuant to that objection, if any. A

responding party may object to part of a request, but a party should answer any part of an interrogatory for which no objection is made, making clear which part is being answered.

For example, a responding party may object to a Rule 33 interrogatory as overly broad on the grounds that the time period covered is too long, or that the breadth of sources from which documents are sought is unduly burdensome, providing the specific bases therefore, and further making clear whether the objection is being made in whole or in part. For any such objection or answer that covers only a part of the interrogatory, it should be clear from the objection or answer that the information contained in the answer is being limited to covering the specifically identified time period or sources for which the responding party has no objection.

This amendment should end the confusion that frequently arises when a responding party states several objections, but then still answers the interrogatory by providing information, leaving the requesting party uncertain whether and to what extent relevant and responsive information has been withheld on the basis of the objection. The producing party does not need to provide a detailed description or log of information withheld, but does need to respond in a manner that will alert and inform parties what information is being provided, and what categories or types of information have been withheld pursuant to objection, thereby facilitating an informed discussion of the objection.

TENNESSEE RULES OF CIVIL PROCEDURE

RULE 37. FAILURE TO MAKE OR COOPERATE IN DISCOVERY: SANCTIONS.

[Revise the text of the subsection 37.01 and add the new Advisory Commission Comment (2020 Amendment) set out below. Additions are underlined and deleted text is stricken.]

37.01. Motion for Order Compelling Discovery.

* * * *

(2) If a party fails to comply with its obligations to make mandatory disclosures, a deponent fails to answer a question [remainder of subsection unchanged].

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Advisory Commission Comments [2020].

Rule 37.01 is amended to include within its scope the mandatory disclosures provided for under new Rule 26.07.