

IN THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 1950

Adding Notes to Civil Rule 26 and Evidence Rules 402 and 501 concerning indirect court rule amendments made by Chapter 12 SLA 2019 (HB 78).

IT IS ORDERED:

1. The following note is added to the end of Civil Rule 26:

Note: Chapter 12, SLA 2019 (HB 78) enacted a number of changes relating to the insurance code. According to section 8 of the Act, provisions in sections 3 (enacting AS 21.22.117) and 5 (amending AS 21.22.120) of the Act have the effect of changing Civil Rule 26, effective July 20, 2019, by prohibiting the discovery of evidence in the possession or control of the National Association of Insurance Commissioners relating to insurance holding companies and insurance holding company systems.

2. The following note is added to the end of Evidence Rules 402 and 501:

Note: Chapter 12, SLA 2019 (HB 78) enacted a number of changes relating to the insurance code. According to section 8 of the Act, provisions in sections 3 (enacting AS 21.22.117) and 5 (amending AS 21.22.120) of the Act have the effect of changing Evidence Rules 402 and 501, effective July 20, 2019, by creating a new privilege relating to insurance holding companies and insurance holding company systems that would prevent a person from being permitted or compelled to testify about confidential documents, materials, or information in a private civil action. These same provisions preclude the admissibility of

evidence: (a) in a private action, of documents, materials, or other information in the possession or control of the National Association of Insurance Commissioners relating to insurance holding companies and insurance holding company systems; and (b) in a proceeding against certain insurers or person in an insurance holding company system, of agreements or documentation relating to insurance holding companies and insurance holding company systems.

DATED: July 25, 2019

EFFECTIVE DATE: *nunc pro tunc* July 20, 2019

/s/
Chief Justice Bolger

/s/
Justice Winfree

/s/
Justice Stowers

/s/
Justice Maassen

/s/
Justice Carney