

78B-10-104 Privilege against disclosure -- Admissibility -- Discovery.

- (1) Except as otherwise provided in Section 78B-10-106, a mediation communication is privileged as provided in Subsection (2) and is not subject to discovery or admissible in evidence in a proceeding unless waived or precluded as provided by Section 78B-10-105.
- (2) In a proceeding, the following privileges apply:
 - (a) A mediation party may refuse to disclose, and may prevent any other person from disclosing, a mediation communication.
 - (b) A mediator may refuse to disclose a mediation communication, and may prevent any other person from disclosing a mediation communication of the mediator.
 - (c) A nonparty participant may refuse to disclose, and may prevent any other person from disclosing, a mediation communication of the nonparty participant.
- (3) Evidence or information that is otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely by reason of its disclosure or use in a mediation.

Renumbered and Amended by Chapter 3, 2008 General Session