26 (a) Civil Discovery

(1) Discovery shall be permitted pursuant to CRLJ 26(a) - (c) without further order of the court. All discovery pursuant to CRLJ 26 (a) - (c) shall be completed by the date of the settlement conference if a jury has been demanded, or by the date of the pre-trial hearing, if any, for a non-jury trial.

(2) Additional discovery may only be conducted by order of the court after motion and hearing. The settlement conference judge has authority to authorize additional discovery and set timelines in accordance with this rule. No orders for unlimited discovery pursuant to Superior Court Civil Rules 26 - 37 shall be permitted.

(3) Either party may request a hearing for the purpose of setting a discovery schedule.

(4) All discovery must be complete no later than thirty (30) days prior to trial.

Adopted June 26, 2002 [Effective September 1, 2002]

26 (b) Admissibility of Documents

The documents listed below, if relevant, are presumed admissible at the trial, but only if the party offering the document serves on all parties at least 30 days prior to the trial date a notice, accompanied by a copy of the document and the name, address and telephone number of its author or maker. This rule does not restrict argument or proof related to the weight of the evidence admitted, nor does it restrict the court's authority to determine the weight of the evidence after hearing all of the evidence and the arguments of opposing parties.

The documents presumed admissible under this rule are:

(1) A bill, report, chart, or record of a hospital, doctor, dentist, registered nurse, licensed practical nurse, physical therapist, psychologist or other health care provider, on a letterhead or bill head;

(2) A bill for drugs, medical appliances, or other related expenses on a letterhead or billhead.

(3) A bill, or an estimate of, property damage on a letterhead or billhead. In the case of an estimate, the party intending to offer the estimate shall forward with the notice to the adverse party a statement indicating whether or not the

property was repaired, and if it was, whether the estimated repairs were made in full or in part, attaching a copy to the receipted bill showing the items or repair and the amount paid;

(4) A police, weather, wage loss, or traffic signal report, or standard United States government table to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;

(5) A photograph, x-ray, drawing, map, blueprint or similar documentary evidence, to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;

(6) The written statement of any other witness, including the written report of an expert witness, and including a statement of opinion which the witness would be allowed to express if testifying in person, if it is made by affidavit or by declaration under penalty of perjury.

(7) A document not specifically covered by any of the foregoing provisions but having equivalent circumstantial guarantees of trustworthiness, the admission of which would serve the interests of justice.

Any other party may subpoena the author or maker of a document, admissible under this rule, at the party's expense, and examine the author or maker as if under cross examination.

[Effective Date: 01/07/87; Amended 09/01/98]