

Local Mandatory Arbitration Rule 4.2
DISCOVERY

(a) Additional Discovery. In determining when additional discovery beyond that directly authorized by MAR 4.2 is reasonably necessary, the arbitrator shall balance the benefits of discovery against the burdens and expenses. The arbitrator shall consider the nature and complexity of the case, the amount in controversy, values at stake, the discovery that has already occurred, the burdens on the party from whom discovery is sought, and the possibility of unfair surprise which may result if discovery is restricted. Authorized discovery shall be conducted in accordance with the Superior Court Civil Rules, except motions concerning discovery shall be determined by the arbitrator. Except as provided in MAR 4.2, discovery pending when a case is transferred to arbitration is stayed except on stipulation of the parties. All discovery admissible under the Superior Court Civil Rules and Washington Rules of Evidence is admissible at arbitration, whether produced before or after the appointment of the arbitrator.

(b) Notwithstanding the Foregoing. The following interrogatories may be submitted to any party:

- (1) State the amount of general damages being claimed;
- (2) State each item of special damages being claimed and the amount thereof;
- (3) List the name, address, and telephone number of each person having knowledge of any facts regarding liability;
- (4) List the name, address, and telephone number of each person having knowledge of any facts regarding the damage claimed;
- (5) List the name, address, and telephone number of each expert witness you intend to call at the arbitration hearing. For each expert, state the subject matter on which the expert is expected to testify; state the substance of the facts and opinions to which the expert is expected to testify, and a summary of the grounds for each opinion.
- (6) If you are claiming bodily injury damages, please describe your present physical condition as the same relates to the incident giving rise to your complaint and being specific as to the area(s) of your body you claim was injured.
- (7) If you are claiming bodily injury damages, please list the name, address, and telephone number of each and every health care provider with whom you treated, consulted with, or were examined by: (a) in the ten (10) years preceding the incident giving rise to your complaint; and (b) from the date of said incident to the present date.
- (8) Identify the existence of and the contents of any insurance agreement under which any person carrying on an insurance business may be liable to satisfy part of all of a judgment which may be entered in the action or to indemnify or reimburse for payments made to satisfy the judgment; and any documents affecting coverage (such as denying coverage, extending coverage, or reserving rights) from or on behalf of such person to the covered person or the covered person's representative. For purposes of this section, an application for insurance shall not be treated as part of an insurance agreement. Discovery produced pursuant to this subsection shall not be disclosed to the arbitrator.
- (9) Identify all parties who you contend have not been properly served with the summons and complaint.

Upon request, all records reflecting the treatments, consultations, and examinations must be produced unless the requester is provided a medical authorization sufficient to allow the requester to obtain independent access to said records at his or her own expense. Alternatively, the requesting party may also request records through depositions upon written questions as allowed by CR 31.

Only these interrogatories, with the exact language as set out above, are permitted.

[Adopted Effective September 1, 1996; Amended Effective September 1, 1998, September 1, 2003, September 1, 2010, September 1, 2011]
