

## ADMISSIBILITY OF OTHER EVIDENCE OF CONTENTS

The original is not required, and other evidence of the contents of a writing, recording, or photograph is admissible if:

**(a) Original Lost or Destroyed.** All originals are lost or have been destroyed, unless the proponent lost or destroyed them in bad faith; or

**(b) Original Not Obtainable.** No original can be obtained by any available judicial process or procedure; or

**(c) Original in Possession of Opponent.** At a time when an original was under the control of the party against whom offered, that party was put on notice, by the pleadings or otherwise, that the contents would be a subject of proof at the hearing, and that party does not produce the original at the hearing; or

**(d) Collateral Matters.** The writing, recording, or photograph is not closely related to a controlling issue.

Comment 1004

[Deleted effective September 1, 2006.]