

## LOC.R. 78.10 TRIAL WITNESSES

### A. EXPERT WITNESSES

1. REPORTS. Each counsel shall exchange with all other counsel written reports of medical and expert witnesses expected to testify in advance of the trial. The parties shall submit expert reports in accord with the time schedule established at the case management conference. The party with the burden of proof as to a particular issue shall be required to first submit expert reports as to that issue. Thereafter, the responding party shall submit opposing expert reports within the schedule established by the Court. Upon good cause shown, the Court may grant the parties additional time within which to submit expert reports. All experts must submit reports, including any party who will testify as an expert.

2. TESTIFYING. A party may not call an expert witness to testify unless a written report has been procured from the witness and provided to opposing counsel in accordance the schedule established by the Court. It is counsel's responsibility to ensure that each report adequately sets forth the expert's opinion, including if necessary the procurement of supplemental reports. The report of an expert must reflect his opinions as to each issue on which the expert will testify. An expert will not be permitted to testify or provide opinions on issues not raised in his expert report.

3. DISCOVERY DEPOSITIONS. A party may take a discovery deposition of their opponent's medical or expert witness only after the mutual exchange of reports has occurred. Upon good cause shown, additional time after submission of both sides' expert reports will be provided for these discovery depositions. If a party chooses not to hire an expert in opposition to an issue, that party will be permitted to take the discovery deposition of the proponent's expert. In this situation, the taking of a discovery deposition of the

proponent's expert constitutes a waiver of the right on the part of the opponent to call an expert at trial on the issues raised in the proponent's expert's report.

#### B. NON-EXPERT WITNESSES

All parties are required to submit a trial witness list, including the full name and address of all witnesses expected to testify at the trial on their behalf, no later than fourteen days prior to the final pre-trial. Thereafter, upon a showing of good cause, the opposing party may take the discovery deposition of any witness contained on the opposing trial witness list who has not been previously deposed during the normal discovery period. This extension of discovery cutoff is specifically restricted to depositions not previously taken of individuals listed on the opponent's trial witness list.