Index

ACCIDENT REPORTS

What must be disclosed in personal injury accident, mandated by statute, 22:21.30

AGENCY

Employment records or information, agency status, **22:47**

Personal injury action, notice to admit (form), **39:7**

Who must disclose, 20:11.50

AIRPORT NOISE

Notice to enter onto landproduce for inspection, **39:9**

AMENDMENT OR SUPPLEMENTATION

Additional discovery, effect of amendment of disclosure on need for, **5:2.50**

Bills of Particulars, **15:23.50**, **17:13.50**

Expert witness disclosure, mandating supplementation of response, **18:11.50**

Responses to bills of particulars, sufficiency, **17:13.50**

ARBITRATION

Right to claim or cause of action, 22:27.50

ARREST

Bills of particulars, 43:4

ASSETS

Debt owed to party, 22:32.50

ATTORNEYS

Attorney-client privilege, Burden of proof that privilege applies, 23:22.50

ATTORNEYS—Cont'd

Attorney-in-fact

Exercise of power, defense from challenge, **35:5**

Transfer of property, challenge by non-grantor, **34:16**

Deposing opposing counsel, 8:17.50

Experts retained as consultants to prepare case, **24:7.50**

Litigation holds as within attorney work product privilege, **24:8.50** Text messages, **25:23.50**

AUTOMOBILE ACCIDENT

Personal injury, 33:9

BILLS OF PARTICULARS

Arrest, **43:4**

Mandating supplementation, insufficiency of response, **17:13.50**

Motion for bill, 43:3

Response, mandating supplementation, **17:13.50**

Sufficiency of response, mandating supplementation, 17:13.50 Supplementation, 15:23.50

BURDEN OF PROOF

Attorney-client privilege, burden of proof that privilege applies, 23:22.50

CHECKLISTS

Divorce and separation, property settlement agreement, **33:12**

Injury to property from negligent construction on neighboring parcel, **33:6**

Introductory comments, 33:5

Personal injury checklists automobile accident, **33:9** defective product, **33:10**

CHECKLISTS—Cont'd

Personal injury checklists—Cont'd dogs, 33:7 insurance coverage, 33:8 sidewalk, 33:11

CHILD OR CHILDREN

Depositions, **8:24.50**Sealed court records, Privilege
Child Protective Services files, **23:41.70**

CHOOSING AMONG DISCOVERY DEVICES

Considerations in determining order of use of devices, generally, **7:5.50**

Particular actions, personal injury, injury to property, wrongful death claims based on negligence, **7:10**

Personal injury, injury to property, wrongful death claims based on negligence, **7:10**

Special proceedings, 7:11

CITIZENSHIP

Right to claim or cause of action, 22:26.50

CLASS ACTION STATUS

Generally, 22:42.50

COMPUTERS AND COMPUTER DATA

Generally, 26:9, 34:12

Cloning hard drive, 12:34.50

Compelling disclosure of computer records, **46:14.50**

Copying and duplication of data, 12:34.50, 26:13

Data storage devices, **12:32.50**, **12:32.60**

Drafting discovery requests regarding electronic, computerized, or internet information, 26:14

Inspection, examination, or copying functions, authorized persons, **26:13**

COMPUTERS AND COMPUTER DATA—Cont'd

Notice to produce computer records, **38:6**

Notice to produce for inspection, 12:32.50, 12:32.60, 12:34.50

Program and system of records, 37:6 Risk of damage to operating system or hard drive as reason to limit or bar discovery, 26:12

Security of data, generally, 26:10

Social networking site content, 12:32.60, 12:55.60

Speech, protection of computerized or electronic communications as, 26:11

Website presence, 38:7

CONFIDENTIALITY

Protection of information distinguished, **23:2.50**

CONSTRUCTION OF DISCOVERY STATUTES

Landlord and tenant, summary proceedings involving, **3:18**

COPYING

Computer data, 12:34.50, 26:13

CORPORATE FIDUCIARY EXCEPTION

Privilege, 23:15.50

DAMAGES

Environmental/pollution damage, sample deposition questions, **34:11.50**

Interrogatory answers, pretrial order provision incorporating damage claims as set forth in, **37:10**

Punitive damages, 4:1.50

DEFECTIVE PRODUCT DESIGN OR MANUFACTURE

Personal injury checklist, 33:10

DEPOSITIONS

Construction and effect, 8:33.90

DEPOSITIONS—Cont'd Damages, sample questions, environmental/pollution damage, 34:11.50 Insurance territorial clause case, 34:18 Let injurious exposure rule, 34:17

Last injurious exposure rule, **34:17**Minors; infants, and children, **8:24.50**Notice of examination pursuant to
General Municipal Law, **34:4.50**

Notice to produce items at deposition, out-of-state actions seeking to enforce in-state notice to produce, 9:8

Out-of-state actions, 8:33.50 et et seq., 9:8, 10:2.50

Pattern deposition checklist, **34:17**Persons or entities deposed nonparties, generally, **8:17.50**opposing counsel, **8:17.50**Pretrial order provision binding party

Pretrial order provision binding party to witness deposition testimony, **34:8.50**

Recording of testimony, telephone deposition, **8:50.50**

Refusal or failure to appear, **8:80** Sample deposition checklist, **34:18** Sample questions

disclosure of stamatizing characteristic to prospective purchaser, **34:10.50**

environmental/pollution damage, 34:11.50

hydrofracking action, **34:11.50** putative joint employer under FLSA, **34:20**

real estate, broker liability, **34:10.50**

social or economic disadvantaged business cases, litigating, 34:19

Statute of limitations issues, **34:22** Sexual orientation or gender identity discrimination, **34:13**, **34:14**, **34:15**

Small business administration, litigating social or economic

DEPOSITIONS—Cont'd

disadvantaged business cases, 34:19

Social or economic disadvantaged business cases, litigating, **34:19**

Telephone deposition, 8:50.50

Termination of discovery, 27:12.50

Uniform Act, 8:33.50

Videotaped or audiotaped depositions, videoconference, **8:50.50**

DEPOSITIONS ON WRITTEN QUESTIONS

Affirmation by person physically outside U.S. or territories, 10:14.50

In-state depositions, 10:2.50

Out-of-state depositions on written questions, in-state notice to produce, **10:2.50**

DIGITAL DATA

Computers and Computer Data (this index)

DISCLOSURE MOTIONS

Stipulation as to admissibility, 46:36

DIVORCE AND SEPARATION

Property settlement agreement, checklists, **33:12**

DOGS

Personal injury checklists, 33:7

DOMICILE

Right to claim or cause of action, 22:26.50

EASEMENT BY NECESSITY

Notice to produce documents and things, **38:6.30**

EDUCATION

Schools and Education (this Index)

ELECTRONIC DATA

Computers and Computer Data (this index)

ELECTRONIC TRANSMISSIONS

Computers and Computer Data (this index)

E-MAIL

Computers and Computer Data (this index)

EMBARRASSMENT

Demand as seeking to embarrass person from whom disclosure is sought, **28:20.50**

EMPLOYMENT

Claimant to employer, pattern deposition checklist, **34:17**

Sexual orientation or gender identity discrimination, **34:13**, **34:14**, **34:15**

Who must disclose, 20:11.50

ENTRY ON LAND FOR DISCOVERY AND INSPECTION

Notice to enter, **45:5**, **45:6** Vapor intrusion, **45:6**

ENVIRONMENTAL POLLUTION

Damages, sample deposition questions, **34:11.50**

EVIDENCE

In camera review of evidence, 23:9.50

EXAMINATION OF PERSONS BY MEDICAL PROVIDERS

Failure to appear for examination, 15:6.50

Forms, release of medical records, **41:4**

Release of medical records, 41:4

EXCHANGE OF MEDICAL RECORDS OR REPORTS

Adverse party, waiver of right to examine, 15:12.50

Authorization to release medical information, form, **41:3**

Disclose, use of stipulation to, 15:68.50

EXCHANGE OF MEDICAL RECORDS OR REPORTS

—Cont'd

Other third parties, **15:41.50**Supplemental bill of particulars, **15:12.50**

Use of stipulation to disclose, **15:68.50**

EXPERT WITNESSES

Contents of disclosure response, sufficiency of response, mandating supplementation, **18:11.50**

Observer present during examination, 25:15.50

Response to request for disclosure, mandating supplementation, 18:11.50

Special circumstances on scope of expert disclosure, **18:16.50**

FAIR LABOR STANDARDS ACT

Notice to produce for inspection, **35:3**

FINANCIAL MATTERS

Income and assets, 22:34
Lending records, 22:39.50
Mortgage foreclosures, pre-trial

Mortgage foreclosures, pre-trial settlement conferences, **27:11.50**

FLOODING NEIGHBORING PROPERTY

Claim of easement by necessity to prevent, notice to produce, **38:6.30**

Sample site inspection form, 47:9

FORCED

INSTITUTIONALIZATION

Notice to produce documents and things, **38:6.60**

Sample intake questionnaire, 47:10

FORECLOSURE

Mortgage foreclosures, pre-trial settlement conferences, 27:11.50

GOOD FAITH

Sanctions

affidavit in opposition to motion for sanction, good faith effort, **46:28.50**

GOOD FAITH—Cont'd

Sanctions—Cont'd
affirmation of good faith by movant, **30:11.50**exceptions, good faith effort to comply or resolve dispute,

HAUNTING

Broker liability, sample deposition questions, **34:10.50**

HIGHWAY REPAIR

Plans for repair, **22:21.70**

30:29.50

HOSPICE

Liability claim, sample intake questionnaire, **47:8**Notice to produce documents and things, **38:6.40**

HYDROFRACKING ACTION

Sample questions for depositions, **34:11.50**

IMMIGRATION STATUS

What must be disclosed, 22:50.50

IMMUNITY

Witnesses, immunity from civil suit, 28:52

IMPROVEMENTS

What must be disclosed, 22:53.50

IN CAMERA REVIEW

Privilege, review of evidence, 23:9.50

INCOME

Material and necessary aspect, 22:34

INFORMANTS

Privilege, 23:43.70

INSPECTIONS

Computer and electronic transmissions, authorization of persons to perform certain tasks, **26:13**

INSTITUTIONALIZATION

Notice to produce documents and things, **38:6.60**

INSURANCE

Certificate of insurance disclosure, 19:3.50

Personal injury checklists, **33:8**Territorial clause case, sample deposition checklist, **34:18**

INTERNET

Computers and Computer Data (this index)

INTERROGATORIES

Answers to interrogatories, supplementation of interrogatories or subsequent service of additional interrogatories, 11:16.70

Content and scope of interrogatories, additional sets of interrogatories, 11:16.50

Continuing nature of interrogatories, **37:8**

Corporate party responses, definitions and construction of questions posed, **37:9**

Damage claims, 37:10

Defendant, definitions and construction of questions posed, **37:9**

Definitions

corporate party responses, **37:9** defendant, **37:9** identification of persons, **37:9** personal knowledge, **37:9** plaintiff, **37:9** pronouns, **37:9** relevant time period, **37:9**

Identification of persons, definitions and construction of questions posed, **37:9**

Last injurious exposure cases, occupational disease, **37:11**

Objections to interrogatories, answers, objections to, 11:20.50

Personal knowledge, definitions and construction of questions posed, **37:9**

INTERROGATORIES—Cont'd

Pertaining to application of limitations period

sample, 37:15

Plaintiff, definitions and construction of questions posed, **37:9**

Pronouns, definitions and construction of questions posed, **37:9**

Time and service requirements, relevant time period, definitions and construction of questions posed, **37:9**

UCC Security Agreement and Financial statement litigation, **37:12, 37:13**

JUDICIAL INVOLVEMENT IN DISCOVERY

Motion practice, extension of time, **27:19**

Preliminary or pre-trial conferences, particular proceedings, **27:9**

Time, motion practice, extension of time to complete, **27:19**

JURISDICTION

Right to claim or cause of action, 22:26.50

LANDLORD TENANT PROCEEDINGS

Summary proceedings, discovery statutes, **3:18**

LAST INJURIOUS EXPOSURE RULE

Pattern deposition checklist, **34:17**Production for discovery and inspection, **38:8**

Sample interrogatories, 37:11

LAW ENFORCEMENT

Privilege, 23:43.30

LAW OFFICE MANAGEMENT OF DISCOVERY

Generally, 30:32.50

Flooding of neighboring property, sample site investigation form, 47:9

LAW OFFICE MANAGEMENT OF DISCOVERY—Cont'd

Forced institutionalization claim, sample intake questionnaire, **47:10**

Hospice liability claim, sample intake questionnaire, **47:8**

Preservation of disclosable information, **32:8.50**

LEASEHOLD INTERESTS

What must be disclosed, 22:51.50

LIMITING USE OF INFORMATION OBTAINED

Generally, 28:34.50

LITIGATION HOLDS

Attorney work product privilege, **24:8.50**

LOANS

Lending records, 22:39.50

MALPRACTICE (LEGAL)

Generally, 22:30.50

MALPRACTICE (MEDICAL, DENTAL, AND PODIATRIC)

Generally, **22:30.50**

MANDATING SUPPLEMENTATION

Insufficiency of response to bills of particulars, **17:13.50**

Insufficiency of response to expert witness disclosure, **18:11.50**

MATERIAL AND NECESSARY REQUIREMENT

Class members, 22:42.50

Improvements, 22:53.50

Leasehold, 22:53.50

Nonpayment of rent, 22:53.50

Parties, generally, 22:42.50

Rental of property, 22:53.50

Video, audio, and other visual or sound representations, 22:55.70

MATRIMONIAL AND FAMILY LAW ACTIONS

Generally, 27:11.50

MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT

Production of documents and things for inspection or copying, **38:9**

MISTRIAL

Vacatur of judgment, 30:41

MORTGAGE FORECLOSURES

Pre-trial settlement conferences, **27:11.50**

MURDER

Broker liability, sample deposition questions, **34:10.50**

NEGLIGENT CONSTRUCTION

Injury to property from negligent construction on neighboring parcel, 33:6

NEWSPAPER

Summons, fee for publication of, **6:2.50**

NONPAYMENT OF RENT

What must be disclosed, 22:53.50

NOTICE

Admit, notice to admit (form) personal injury action, pretrial order, **39:7**

pretrial order, personal injury action, **39:7**

pretrial order confirming facts admitted by parties, **39:6**

NOTICE TO PRODUCE FOR INSPECTION

Airport noise, notice to enter onto land, **39:9**

Computers and computer data, 12:32.50, 12:32.60, 12:34.50

Defense of attorney in fact from challenge to exercise of power, **35:5**

NOTICE TO PRODUCE FOR INSPECTION—Cont'd

Demands relevant to application of limitations period

Sample notice to produce, **35:10** Disclosure by former employer, **35:4**

Fair Labor Standards Act action, 35:3

Possession, custody, or control, generally, **12:25.40**

Putative joint employer under FSLA, 35:8

Time for completion of action, 12:33.50

UCC Security Agreement and Financing Statement, **35:6**, **35:7**

OBJECTIONS

Preserving objections, 27:21

OCCUPANCY OF PROPERTY

What must be disclosed, 22:51.50

OCCUPATIONAL DISEASE

Last injurious exposure case, sample interrogatories, **37:11**

ON-LINE INFORMATION

Computers and Computer Data (this index)

OPPOSING COUNSEL

Deposing, 8:17.50

ORDER FOR DISCOVERY

Additional discovery, **27:20**Summary judgment motion on discovery, **4:15**

PERSONAL INJURY

Admit, notice to admit (form), personal injury action, pretrial order, **39:7**

Automobile accident, 33:9

Choosing among discovery devices, claims based on negligence, 7:10

Defective product design or manufacture, strict liability, 33:10

Dogs, 33:7

PERSONAL INJURY—Cont'd

Insurance coverage, 33:8 Sidewalk, 33:11

PLEADINGS

Answer, striking, **30:52.50**

PRE-SUIT (PRE-ACTION) DISCLOSURE

Summary judgment motion on discovery, **4:15**

Waiver of right to seek further discovery, **4:8.50**

PRIVILEGE

Burden of proof that attorney-client privilege applies, **23:22.50**

Confidentiality

agreements, protection of information distinguished, 23:2.50

rape crisis counselor, 23:41.50

Corporate fiduciary exception, 23:15.50

Degree of immunity from disclosure, 23:10.50

Distinguished from protection of information, 23:2.50

Exceptions, corporate fiduciary exception, 23:15.50

In camera review of evidence, 23:9.50

Informants, 23:43.70

Law enforcement privilege, 23:43.30

Presumptions and burden of proof, presumption of confidentiality of complaint, 23:43:2

Rape crisis counselor privilege, 23:41.50

Remedial measures

subsequent repairs, 23:41.60

Sealed court records

Child Protective Services files, 23:41.70

Waiver, "common interest" and "at issue" waiver, 24:14.50

Whistleblowers, 23:43.70

PRODUCTION OF DOCUMENTS AND THINGS FOR INSPECTION OR COPYING

Disaster relief, sample demand to produce for discovery and inspection, **38:11**

Forms, demand for discovery and inspection, school bullying, 38:2.50

Notice to produce

computer records, 38:6

easement by necessity to prevent flooding, claim of, **38:6.30** forced institutionalization, **38:6.60**

hospice, claim against, 38:6.40

Migrant and Seasonal Agricultural Worker Protection Act, **38:9**

sample, 38:10

sample demand in "last injurious exposure" cases, workers' compensation, **38:8**

vapor intrusion case, 38:6.50

Sample demand

disaster relief, discovery and inspection of claims for, 38:11

Migrant and Seasonal Agricultural Worker Protection Act, 38:9

workers' compensation, last injurious exposure, **38:8**

What must be produced

failure or refusal to produce, 12:25.50

non-existing document, assertion of, **12:25.50**

PROTECTIVE ORDERS

Bifurcating or staying discovery pending resolution of other issues, 28:53

Civilian Board of Contract Appeals, **46:10.50**

PUNITIVE DAMAGES

Generally, 4:1.50

RAPE CRISIS COUNSELOR

Privileged communications, 23:41.50

REAL PROPERTY

Choosing among discovery devices, claims based on negligence, 7:10

RECORDS

Affidavit of custodian of records for authentication, **46:37**

Child Protective Services files Sealed court records, **23:41.70** Lending records, **22:39.50**

Material and Necessary Requirement (this Index)

Telephone records, 22:55.50

RELEASE OF MEDICAL RECORDS

Examination of persons by medical providers, **41:4**

RENTAL OF PROPERTY

What must be disclosed, 22:53.50

REQUESTS FOR ADMISSION

Civilian Board of Contract Appeals, 39:8

SANCTIONS

Affidavit in opposition to motion for sanction, good faith effort, **46:28.50**

Defenses or exceptions, good faith effort to comply or resolve dispute, **30:29.50**

Good Faith (this index)

Particular sanctions; when appropriate

striking action from trial calendar, **30:41.50**

striking pleadings; answer, 30:52.50

Pleadings, answer, striking, **30:52.50** Striking pleadings

need to warn before imposing sanction, 30:50.50 order, 30:12.50

SCHOOLS AND EDUCATION

Demand for discovery and inspection, school bullying (form), 38:2.50

SCHOOLS AND EDUCATION

—Cont'd

Records

FOIL request, school district records and policies, **45:4** release and authorization, form, **45:3**

SECURITIES

Lending records, 22:39.50

SECURITY OF DATA

Computers and Computer Data (this index)

SERVICE

Publication of summons, fees, **6:2.50**

SEXUAL ORIENTATION

Demand for discovery and inspection, harassment, 38:2.60
Depositions, 34:13, 34:14, 34:15

SIDEWALK

Personal injury checklists, 33:11

SMALL BUSINESS ADMINISTRATION

Litigating social or economic disadvantaged business cases, 34:19

SOCIAL NETWORKING SITE CONTENT

Notice to produce for inspection, 12:32.60, 12:55.60

SPECIAL PROCEEDING

Discovery devices, permit upon leave, 7:11

SPEECH

Protection of computerized or electronic communications as speech, **26:11**

STAY

Bifurcating or staying discovery pending resolution of other issues, 28:53

STIGMATIZING CHARACTERISTIC

Broker liability, sample deposition questions, 34:10.50

STIPULATIONS

Admissibility, stipulation as to, 46:36 Exchange of medical records or reports, 15:68.50

STUDENTS

Schools and Education (this Index)

SUMMARY JUDGMENT

Motion, effect on discovery, **4:15**

TELEPHONE

Depositions, recording of testimony, 8:50.50

Records, 22:55.50

TEXT MESSAGE

Counsel, 25:23.50

TRIAL CALENDAR

Sanctions, striking action from trial calendar, 30:41.50

TRIAL USE

Affirmation of deposition by person physically outside U.S. or territories, 10:14.50

UCC SECURITY AGREEMENT AND FINANCING **STATEMENT**

Interrogatories in litigation, 37:12 Notice to produce for inspection, 35:6

VACATUR OF JUDGMENT

Generally, 30:41

VAPOR

Entry on land for discovery and inspection, 45:6

VAPOR—Cont'd

Intrusion case, notice to produce documents and things, 38:6.50

WAIVER

Exchange of medical records or reports, waiver of right to examine adverse party, 15:12.50

Pre-suit (pre-action) disclosure, waiver of right to seek further discovery, **4:8.50**

WEBSITE PRESENCE

Generally, 38:7

WHISTLEBLOWERS

Privilege, 23:43.70

WHO MUST DISCLOSE

Agents, employees, and persons under control of party, 20:11.50

Former agents or employees, 20:11.50

Non-parties, 20:6.50

Persons formerly under party's control, 20:11.50

WITNESSES

Appointing counsel for witness, 28:44.50

Identification of, 19:11

Immunity from civil suit, 28:52

Precluding testimony, 28:51

Pretrial order provision binding party to witness deposition testimony, 34:8.50

WORKERS' COMPENSATION

Last injurious exposure rule, production for discovery and inspection, 38:8

WRONGFUL DEATH

Choosing among discovery devices, wrongful death claims based on negligence, 7:10