## **Index**

#### ABORTIONS

Medical Malpractice, this index

## ABSENCE FROM EMPLOYMENT

Case preparation, request for dates, 1:23

## ABSTRACT OF HOSPITAL RECORDS

Case preparation, 1:17

#### ACCEPTANCE OF OFFER

Negotiation and settlement, authorization, **4:16** 

## ACCIDENT RECONSTRUCTION EXPERT

In limine motions, 6:81

#### ACCIDENT REPORTS

Case preparation, 1:24

#### ADDITIONAL PARTIES

Amendment of complaint, 2:184, 2:187

#### **ADDITUR**

New trial, 7:5

#### **ADMIRALTY**

Wrongful death, 2:108

#### **ADVERTISING**

In limine motions, pre-occurrence advertising, **6:51** 

Interrogatories, product alteration, packaging, testing and investigation, similar accidents, prior lawsuits, advertising, post-sale recall and warnings, motion to compel, 3:341

Production of documents and things, product alteration, packaging, testing and investigation, similar accidents, prior lawsuits, advertising, post-sale recall and

#### ADVERTISING—Cont'd

warnings, motion to compel, **3:341** 

Products liability, production of documents and things, **3:210** 

#### AFFIRMATIVE DEFENSES

Motion to strike, 2:197

#### AGE DISCRIMINATION

Complaint, 2:98

Interrogatories, 3:59

Pre-trial memorandum, emergency motion to voluntarily dismiss all federal law claims, **5:72** 

Production of documents and things, 3:265

#### **AGENCY**

Negligence, this index

#### **AIR GUNS**

Products Liability, this index

## **AIRPLANES**

Lease, negligence, complaint, 2:71 Products liability, production of documents and things, 3:192 Wrongful death, 2:107

## ALCOHOLIC BEVERAGES

In Limine Motions, this index

## ALTERNATIVE DISPUTE RESOLUTION

Negotiation and settlement, motion to enforce and allow claim, **4:36** 

## AMENDMENT OF ANSWER

Opposition to motion to amend answer

Affirmative defense, **2:169**Memorandum in opposition, **2:170**Opposition to motion to dismiss
Rule 14 complaint, **2:171** 

Opposition to motion to dismiss, memorandum in support, **2:173** 

## AMENDMENT OF COMPLAINT Generally, 2:130 to 2:143 Cause of action, addition of, 2:181 Concealed information, addition of party, 2:183 Construction, 2:139 Dismissal of amended complaint, 2:172 Doctor, medical malpractice, 2:137 Form of amended complaint, 2:131 Gynecologist, medical malpractice, 2:136 Hospital, medical malpractice, 2:137 Loss of chance, medical malpractice, 2:136 Medical malpractice, 2:136, 2:137 Memorandum in support of motion for leave to file third amended complaint to add party, 2:134, 2:135 Misnomer and additional parties, 2:184 Motion to amend complaint, generally, 2:132, 2:181 to 2:187 Motion to substitute, deceased plaintiff, 2:133 Negligence, 2:138 Opposition to motion to amend complaint, 2:201 Party, addition of Generally, 2:182 Concealed information, 2:183 Party defendant, motion to add Generally, **2:189** Plaintiffs claims pursuant Mass. R. Civ. P. 14a, 2:140 Rule 14(a) claims, 2:141 Statement of reasons in support of motion to amend complaint, 2:176 Substituted complaint, 2:142

# Travel service, negligence, **2:138** Withdrawal of first amended complaint and reinstatement of

Motion to substitute plaintiff,

Substitution of party

2:190

Generally, 2:185, 2:186

Assented to motion, 2:190

## AMENDMENT OF COMPLAINT

-Cont'd

initial complaint, assented to motion, 2:194

Wrongful death, add party, **2:135**Wrongful death, medical malpractice, **2:136, 2:137** 

## AMENDMENT OF JUDGMENT

Post-trial motions, 7:9

#### ANESTHESIOLOGIST

Medical malpractice, complaint, 2:122

#### ANSI REGULATIONS

In limine motions, 6:43

#### **ANSWERS**

Amendment of Answer, this index

#### APPEAL AND REVIEW

Generally, 8:1 to 8:9

Brief of plaintiff

Generally, **8:1 to 8:5** 

Collateral source income, 8:5

Evidence and instructions, 8:1

Negligence and unincorporated associations, **8:3** 

Spoliation, jury instructions, evidence, **8:4** 

Summary judgment, 8:2

Collateral source income, brief of plaintiff, **8:5** 

Evidence, brief of plaintiff, **8:1, 8:4**Further appellate review, application, **8:6** 

Instructions to jury, brief of plaintiff, 8:1, 8:4

Interlocutory appeals

Generally, 8:7 to 8:9

Motion and memorandum, 8:7

Oral argument, request, 8:9

Order, 8:8

Negligence and unincorporated associations, brief of plaintiff, 8:3

Oral argument, interlocutory appeal, **8:9** 

Spoliation, brief of plaintiff, 8:4

#### APPEAL AND REVIEW—Cont'd

Summary judgment, brief of plaintiff, 8:2

Unincorporated associations, brief of plaintiff, **8:3** 

#### APPLIANCES

Negligence, this index

## APPROVAL

Consent or Approval, this index

## **ARBITRATION**

Negotiation and settlement, motor vehicle accident, **4:32** 

#### ASSAULT AND BATTERY

Complaints, 2:97, 2:110, 2:111
Premises liability, complaint, 2:47, 2:48

Production of documents and things, 3:264

#### **ASSETS**

Interrogatories, 3:87

#### ASSUMPTION OF RISK

Interrogatories, 3:99

#### **ATTACHMENT**

Motion for attachment and accompanying affidavit, **2:179** Pre-Trial Memorandum, this index

Pre-trial preparation, real estate attachment, motion and supporting affidavit, **5:8** 

## ATTORNEY-CLIENT PRIVILEGE

Discovery, return of inadvertently disclosed, attorney-client privileged e-mail, **3:451** 

## **ATTORNEYS**

In limine motions, communications with attorneys, **6:126** 

Work Product Doctrine, this index

#### ATTORNEYS' FEES AND COSTS

Collection of Assets, this index Pre-Trial Memorandum, this index

## AUDIO VISUAL DEPOSITION

Depositions, this index

#### AUTOMATIC STAY

Motion for relief, **2:193, 3:433**Pre-Trial Memorandum, this index
Pre-trial preparation, memorandum in support of motion for relief, **5:18** 

## AUTOMOBILES AND OTHER MOTOR VEHICLES

Case preparation, request for vehicle regulatory agency report, **1:26** 

Depositions

Car seat manufacturer, **3:126**Collision, circumstances of, **3:182** 

Discovery, this index

Interrogatories

Automobile collision, circumstances of, **3:106** 

Vehicle owner liability, injury caused by operator, **3:110** 

Negligence, this index

Products Liability, this index

#### **BACK INJURY**

Products liability, damages, trial brief, **6:36** 

#### BANKRUPTCY

In limine motions, 6:109

#### BASKETBALL NET

Products liability, complaint, 2:36

#### **BATHROBE**

Products liability, flammable, complaint, **2:44** 

#### **BATH SEATS**

Products Liability, this index

## **BATTERY**

Assault and Battery, this index

#### BIAS

Depositions, 3:188

#### **BICYCLES**

Products Liability, this index

#### BIFURCATION

Pre-trial Preparation, this index

## BILL OF COSTS

Post-trial motions, 7:11

#### BIRTH CONTROL PILLS

Products liability, complaint, 2:7

## **BIRTH DEFECTS**

Negligence, drug-related, complaint, 2:114

#### **BIRTH HISTORY**

Case preparation, 1:6

#### **BONDS**

Collection of assets, opposition to motion for recovery, 7:19, 7:25 Pre-trial memorandum, emergency motion to waive or reduce, 5:82, 5:99

#### **BOOK**

Products liability, complaint, 2:5

Appeal and Review, this index Class actions, brief in support of motion for class certification, 2:153

In limine motions, brief in support, 6:42

Trial Briefs, this index

#### **BUILDING SECURITY**

Premises liability, inadequate, production of documents and things, 3:237

#### **BUNGEE CORD**

Products liability, interrogatories, 3:40

#### BURDEN OF PROOF

Instructions to jury, **6:175** 

## **BURN INJURIES AND VICTIMS**

Negotiation and Settlement, this index

Products liability, damages, trial brief, **6:35** 

## **CAMPS**

Negligence, this index

#### **CANCER**

Medical malpractice, cervical cancer treatment, interrogatories, 3:50

#### CANCER—Cont'd

Offer of proof, pre-trial memorandum, cancer misdiagnosed, 5:94

#### **CAPIAS WRIT**

Discovery, 3:446

#### **CAR SEATS**

Products Liability, this index

## CASE MANAGEMENT **CONFERENCE**

Discovery, motion to defer factual discovery until after conference, 3:432

#### CASE PREPARATION

Generally, 1:1 to 1:56

Absence from employment, request for dates of, 1:23

Abstract of hospital records, request for, 1:17

Accident report, request for, 1:24

Authority to release information, generally, 1:14 to 1:16, 1:22

Birth history, 1:6

Client questionnaire, 1:2

Client social media letter, 1:3

Consumer Product Information, this index

Contingent fee agreement, 1:11

Defendant information checklist, 1:7

Expert Witnesses, this index

Family medical history checklist, 1:5

Hospital records, request for, 1:17, 1:18

Internet, this index

Lien checklist, 1:8

Medical authorization form, 1:12

Medical records and bills, authority and request for, 1:15, 1:21, 1:22

OSHA report, request for, 1:27

Pain questionnaire, 1:4

Personal injury data

Generally, 1:13 to 1:29

Absence from employment, request for dates of, 1:23

Abstract of hospital records, request for, 1:17

Accident report, request for, 1:24

Index-4

#### CASE PREPARATION—Cont'd

Personal injury data—Cont'd
Authority to release information,
generally, 1:14 to 1:16, 1:22

Hospital records, request for, 1:17, 1:18

Medical records and bills, authority and request for, 1:15, 1:21, 1:22

OSHA report, request for, 1:27

Physician records, request for, 1:19 Physician report, request for, 1:20 Playground safety checklist, 1:29 Preservation of evidence, request for, 1:25

Products liability checklist, 1:28 Requests for information, generally, 1:17 to 1:27

School records, authority to release information, **1:16** 

Vehicle regulatory agency report, request for, 1:26

Physician records, request for, 1:19 Physician report, request for, 1:20 Playground safety checklist, 1:29

Prenatal history, **1:6** 

Preservation of evidence, request for, 1:25

Products liability checklist, **1:9**, **1:28** Questionnaires

Client questionnaire, 1:2
Pain questionnaire, 1:4
Referral attorney checklist, 1:10

Requests for information, generally, 1:17 to 1:27

School records, authority to release information, **1:16** 

Statutory Notices, this index Vehicle regulatory agency report, request for, **1:26** 

## CATALOG ADVERTISEMENTS

Trial briefs, 6:24

## **CAUSATION**

Expert witnesses, memorandum of law, **6:163** 

## CERTIFICATION OF QUESTION OF LAW

Closing arguments, **6:167** 

## CERTIFICATION OF QUESTION

OF LAW—Cont'd

Post-trial motions, 7:12

## CERVICAL CANCER TREATMENT

Medical malpractice, interrogatories, **3:50** 

## CHARACTER EVIDENCE

In limine motions, 6:68

#### **CHECKLISTS**

Discovery, this index

## **CHEMICAL HOSE**

Products liability, complaint, 2:46

## CHILDREN AND MINORS

Collection of assets, petition for approval of settlement on behalf, 7:17

Depositions, targeting of marketing, 3:174

Discovery, protective orders, **3:385**, **3:402** 

In limine motions, number in home, **6:114** 

Negotiation and settlement, opposition to motion for reconsideration of modified motion concerning petition for approval of settlement, **4:18** 

## CHIROPRACTORS

Negligence, this index

## CHOICE OF FORUM

Complaint, 2:1

## **CHOICE OF LAW**

Pre-trial preparation, opposition, **5:14** 

## CIGARETTE LIGHTER MANUFACTURER

Products liability, interrogatories, 3:25

## **CIVIL LITIGATION FEE**

Pre-trial memorandum, motion to waive, **5:81** 

Pre-trial preparation, motion to waive or stay, **5:24** 

#### **CIVIL RIGHTS**

Discrimination, this index

#### **CLARIFICATION OF JUDGMENT**

Post-trial motions, 7:10

## **CLASS ACTIONS**

Brief in support of motion for class certification, 2:153

Class certification, motion for, 2:152, 2:153

Complaints, generally, 2:150 to 2:153

## CLOSING ARGUMENTS

Trial, this index

#### COFFEE URNS

Products Liability, this index

## COLLATERAL SOURCES

Appeal and review, brief of plaintiff, 8:5

In Limine Motions, this index

## COLLECTION OF ASSETS

Generally, 7:13 to 7:33

Alteration or amendment of judgment, motion and memorandum, 7:28, 7:30

Attorneys' fees and costs

Clarification of court order for payment of costs by prior counsel plaintiff, 7:29

Opposition to motion, 7:32

Reimbursement of expenses, motion to compel, **7:31** 

Request for, 7:31

Bond, opposition to motion for recovery, **7:19**, **7:25** 

Clarification of court order for payment of costs by prior counsel plaintiff, **7:29** 

Costs. Attorneys' fees and costs, above

Default judgment, motion for entry and assessment of damages, 7:18

Enforcement of payment of judgment, motion, **7:21** 

Judgment notwithstanding verdict, opposition to motion, 7:14, 7:15

#### COLLECTION OF ASSETS

-Cont'd

Letter of credit, opposition to motion to substitute for supersedeas bond, 7:22

Minor, petition for approval of settlement on behalf of, **7:17** 

New trial, opposition to motion, **7:16**, **7:27** 

Opposition to motion, generally, 7:13 et seq.

Reimbursement of expenses, motion to compel, 7:31

Remand, motion, 7:33

Remittitur

Opposition to motion, **7:26** Reply and surreply, **7:24** 

Stavs

Execution pending review of certiorari, opposition to application, 7:23

Mandate, opposition to, 7:20

## COMMISSION TO TAKE OUT-OF-STATE DEPOSITION

Depositions, this index

#### **COMMITTEE MINUTES**

Production of documents and things, motion to compel, **3:340** 

#### **COMMON CARRIERS**

Negligence, this index

## COMPARATIVE NEGLIGENCE

In limine motions, 6:103

## **COMPLAINTS**

Generally, 2:1 to 2:199

Age discrimination, **2:98** 

Amendment of Complaint, this index Assault and battery, **2:97, 2:110,** 

2.111

2:111

Choice of forum. 2:1

Class Actions, this index

Consortium, loss of, 2:119

Damages for pain and suffering, 2:128

Dismissal of Complaint, this index Employment, wrongful termination,

2:100

#### COMPLAINTS—Cont'd

Extension of time for service. Service of complaint, extension of time for, below

Federal diversity jurisdiction, 2:127
Foreign country, extension of time
for service of complaint in,
2:177

Fraud and misrepresentation in home sale, 2:117

Jurisdiction

Federal diversity, **2:127** Long arm statute, **2:128** 

Libel, 2:118

Long arm statute, jurisdiction, **2:128**Massachusetts Commission Against
Discrimination, complaint, **2:99** 

Medical Malpractice, this index Negligence, this index

Pleading-Related Motions, this index Premises Liability, this index

Products Liability, this index

Requisites of proper complaint, 2:2 Service of complaint, extension of time for

Identity of defendant unknown, 2:178

Service in foreign country, **2:177**Sexual harassment, **2:126**Statutory Violations, this index
United States, Claims against, this

Wrongful Death, this index

## **COMPROMISE**

index

Negotiation and Settlement, this index

#### CONCEALED INFORMATION

Amendment of complaint, addition of party, **2:183** 

## CONFIDENTIALITY

Discovery, protective orders, **3:393**Evidence, opposition to motion to compel nonparty's testimony in breach, **6:160** 

In limine motions, medical evidence, **6:49** 

Pre-trial preparation, 5:19, 5:20

## CONSCIOUS PAIN AND SUFFERING

In limine motions, **6:95**, **6:96** 

## CONSENT OR APPROVAL

Medical malpractice, trial brief, **6:6**Negotiation and Settlement, this index

#### **CONSOLIDATION OF CASES**

Pre-trial preparation, 5:22

## CONSORTIUM, LOSS OF

Complaint, 2:119

Medical malpractice, complaint, 2:91

## CONSTRUCTION COMPANY

Deposition, notice of, **3:140**Second amended complaint, **2:139** 

## **CONSTRUCTION SITES**

Negligence, this index

## CONSUMER PRODUCT INFORMATION

Case preparation, generally, 1:45 to 1:51

Enforcement actions, request for information, 1:50

Freedom of Information Act, request under, **1:51** 

Initial request for information, 1:46

Product defect notification, request for, **1:49** 

Summary of meetings, request for, 1:48

Victim identification, request for, **1:47** 

#### **CONSUMER PROTECTION**

Statutory Notices, this index Voir dire, **6:141** 

## CONTAINER

Products liability, complaint, 2:21

## CONTINGENT FEE AGREEMENTS

Case preparation, 1:11

## CONTINUANCE OF TRIAL

Mediation, motion, 4:31

## CONTINUANCE OF TRIAL

-Cont'd

Pre-trial memorandum, emergency motion, **5:76** 

Pre-trial preparation, motion, 5:15

## **CONTINUING DUTY TO WARN**

Depositions, 3:173

## **CONTRACTORS**

Discovery, contractor control over work and proximate cause, summary judgment, **5:56** 

Interrogatories, death of child on public playground, **3:111** 

Negligence, industrial accident, interrogatories, **3:64** 

## CONTRIBUTORY NEGLIGENCE

Interrogatories, 3:99

#### COOKING SCHOOL

Negligent supervision, complaint, **2:67** 

#### CORPORATIONS

Evidence, product identification, **6:159** 

Negligence, this index Successor Corporations, this index

#### **COSTS**

Attorneys' Fees and Costs, this index

## CRIBS

Products Liability, this index

## **CRIMINAL ACTIVITY**

In limine motions, **6:93** 

## CRIMINAL RECORDS

In limine motions, 6:78

Production of documents and things, motion to compel, **3:339** 

## **CRIMINAL TRIALS**

Discovery, extension of protective order until completion of, **3:453** 

## **CROSS-EXAMINATION**

Evidence, this index

## **DAMAGES**

Complaint, pain and suffering, 2:129

#### DAMAGES—Cont'd

Discovery, revocation of stipulation limiting damages, **3:447** 

Instructions to jury, **6:190** 

Interrogatories, automobile collision, 3:117

Negotiation and settlement, excess of insurance coverage, settlement letter, **4:8** 

New trial, 7:5, 7:6

Products Liability, this index

Punitive Damages, this index

Trial briefs, evidence, 6:29

Verdict questions, **6:200** 

#### **DAY CARE**

Negligence, this index

#### DAY IN LIFE VIDEO

In limine motions, 6:74

#### **DEATH**

Pre-trial memorandum, suggestion of death, **5:69** 

#### DECEDENT'S STATEMENT

In limine motions, 6:106

## **DEFAMATION**

Complaint, 2:118

#### **DEFAULT JUDGMENT**

Collection of assets, motion for entry and assessment of damages, 7:18

## **DEFAULT MOTION**

Discovery, this index

Massachusetts Commission Against Discrimination, 2:196

## **DEMAND LETTER**

In limine motions, admission, 6:56

## DEMONSTRATIVE EVIDENCE

Trial. 6:2

#### **DENTISTS**

Medical Malpractice, this index

## DEPARTMENT OF CHILDREN AND FAMILIES

Discovery, this index

Index-8

## DEPARTMENT OF CHILDREN AND FAMILIES—Cont'd

Production of documents and things, motion to compel, **3:367** 

## DEPARTMENT OF CORRECTIONS

Deposition, notice of, 3:132

## DEPARTMENT OF SOCIAL SERVICES

Discovery, compliance with record subpoena, **3:337** 

#### **DEPOSITIONS**

Generally, 3:120 to 3:188

Audio visual deposition

Motion to take, 3:154

Opposition to motion for reconsideration to allow, **3:156** 

Authority of deponent, 3:157

Automobiles and Other Motor Vehicles, this index

Bias of deponent, 3:188

Car seat manufacturer, notice of deposition, **3:126** 

Children, targeting of marketing to, 3:174

City, notice of deposition, **3:132** 

Commission to take out-of-state deposition

Generally, 3:155

Motion, 3:149

Construction company, notice of deposition, **3:140** 

Continued deposition testimony and computer forensic inspection, motion to compel, **3:439** 

Continuing duty to warn, 3:173

Department of Corrections, notice of deposition, **3:133** 

Design defects. Products Liability, this index

Emergency motion to quash taking of deposition after expiration of discovery deadline, **3:427** 

Expert witnesses

Opposition to motion for leave to depose, **3:153** 

#### DEPOSITIONS—Cont'd

Expert witnesses—Cont'd

Opposition to motion for reconsideration of motion for leave to take deposition, 3:153

Opposition to motion to take deposition, **3:152** 

Prevention of deposition, **3:469** 

Fifth Amendment, motion to compel, 3:437

Flammable fabrics, notice of deposition, **3:121** 

Gas dryer installer, notice of deposition, **3:128** 

Gas dryer manufacturer, notice of deposition, **3:127** 

Gas service company, notice of deposition, **3:136** 

Hospital, notice of deposition, 3:138

Hospital, notice of deposition, **3:135** In limine motion to strike deposition

testimony, **6:111, 6:125** 

Instructions to jury, 6:194

Knowledge of seller regarding product, **3:158** 

Letter rogatory

Generally, 3:144

Application, 3:144

Out-of-state school, **3:147** 

School representative, 3:139, 3:146

Location of warnings, 3:170

Marketing

Children, targeting of, 3:174

Testing or warning, lack of adequate, 3:175

Medical device, notice of deposition, **3:122** 

Medical malpractice

Generally, 3:181

Motion to compel, 3:438

Medical patient, care of, 3:180

Motion for issuance of commission to take out of state, **3:149** 

Motions

Emergency motion to quash taking of deposition after expiration of discovery deadline, **3:427** 

taking deposition immediately

before, 3:426

#### DEPOSITIONS—Cont'd DEPOSITIONS—Cont'd Notice of deposition—Cont'd Motions—Cont'd Re-notice of taking deposition Motions to compel, below Rule 30(b)(6), **3:141** Pretrial jail detainee, motion for leave to take deposition, Health club, 3:142 Transit associates, 3:131 Scheduled date of trial, motion to Transit authority, 3:130 bar taking immediately Travel service, 3:137 before, 3:426 Notice of taking deposition 30(b)(6) Subpoena to depose nonparty law Premises liability, 3:124 firm and attorney, 3:448 Product liability, 3:125 Motions to compel Opposition to motion Generally, 3:437 to 3:440, 3:445 Reconsideration of motion for Continued deposition testimony leave to take expert deposiand computer forensic inspections, 3:151 tion, 3:439 Out-of-state deposition. Commission Fifth Amendment, 3:437 to take out-of-state deposition, Medical malpractice, 3:438 above Nonparty witness deposition, Plumbing and heating service motion for. 3:467 company, notice of deposition, Motor vehicle collision, circum-3:139 stances of, 3:182 Police Department, notice of deposi-Nonparty witness deposition, motion tion, **3:134** to compel, **3:467** Premises Liability, this index Notice of deposition Pretrial jail detainee, motion for leave Generally, 3:121 to 3:140, 3:132 to take deposition, 3:465 Application for letter rogatory, Products Liability, this index outside the state, 3:144 Protective orders Car seat manufacturer, 3:126 Deposition locale, 3:383, 3:388, City, 3:132 3:400 Construction company, 3:140 Prevention of deposition of expert Department of Corrections, 3:133 witness, 3:469 Flammable fabrics, 3:121 Safer design, failure of defendant to publicize, 3:187 Gas dryer installer, 3:128 Gas dryer manufacturer, 3:127 Safety standards Gas service company, 3:136 Generally, **3:164 to 3:168** Hospital, **3:138** Availability of safety devices, Hospital, 3:135 3:168 Letter rogatory to take deposition Defendant's safety procedures, outside the state, 3:145 3:165 Medical device, 3:122 Defendant's safety reputation, 3:166 Motion to simultaneous exchange of information as condition, Employee's safety responsibilities, 3:143 3:167 Plumbing and heating service Sanctions, motion for, 3:150, 3:454 company, 3:139 Scheduled date of trial, motion to bar Police Department, 3:134

Premises liability, **3:123** 

Evidence, this index

#### DEPOSITIONS—Cont'd DISASSEMBLY OF SUBJECT Sequestration of plaintiff's husband PRODUCT during deposition, opposition to Discovery, memorandum in support motion for, 2:199 of motion to conduct further, Simultaneous exchange of informa-3:435 tion, motion to require as condi-DISCIPLINE tion of taking deposition, **3:136** In limine motions, 6:107 Slip and fall, cause of, 3:184 Stipulations at outset of deposition, DISCOVERY 3:148 Generally, 3:1 to 3:474 Subpoena to depose nonparty law Admissions. Request for Admissions, firm and attorney, motion, 3:448 this index Testing practices Automobiles and other motor Generally, 3:159 to 3:163 vehicles Adequate testing, lack of, **3:175** Checklist, automobile injury, 3:6 Failure to test, 3:162 Inspection of car, 3:356 Manufacturer, tests conducted by, Capias writ, 3:446 3:161 Case management conference, Seller, tests conducted by, 3:160 motion to defer factual Transit associates, notice of deposidiscovery until after, 3:432 tion, 3:131 Checklists Transit authority, notice of deposi-Generally, **3:2 to 3:6** tion, 3:130 Automobile injury, **3:6** Travel service, notice of deposition, Medical malpractice, 3:4 3.137 Premises liability, 3:5 Trial Briefs, this index Products liability, 3:3 Visibility of warnings, 3:171 Confidentiality, protective orders, Warnings 3:393 Generally, 3:169 to 3:173 Continued failure to produce documents. Default motion, below Adequacy of warnings, 3:172, 3:175 Criminal trial, extension of protective order until completion of, 3:453 Continuing duty to warn, 3:173 Damages, revocation of stipulation Location of warnings, 3:170 limiting, **3:447** Visibility of warnings, 3:171 Default motion **DESTRUCTIVE TESTING** Generally, 3:412 to 3:419 Discovery, 3:474 Continued failure to produce documents DIETARY SUPPLEMENT Generally, 3:413 Products liability, complaint, 2:41 Brief in support of motion, 3:414 **DIRECTED VERDICT** Failure to plead or defend, 3:413 Generally, 6:168 to 6:170 Failure to produce Judgment as a matter of law, motion, Generally, 3:412 6:170 Memorandum and order, 3:413 Products liability, opposition to Memorandum in support of entry motion, **6:169** of judgment motion, 3:415 DIRECT EXAMINATION Motion to vacate, defendant's

assented to. 3:420

## Default motion—Cont

Default motion—Cont'd

Opposition to motion to remove default

Generally, 3:421

Brief, 3:422

Sanction based on special master's review of document production, **3:418** 

Spoliation, 3:419

Department of Children and Families records

Opposition to motion for production and use, **3:460** 

Protective orders, 3:396

Department of Social Services, compliance with record subpoena, **3:337** 

Depositions, this index

Destructive testing, allowance of, 3:474

Disassembly of subject product, memorandum in support of motion to conduct further, **3:435** 

District attorney, order to make files available, **3:428** 

Eleventh hour delay tactic, protective orders, **3:392** 

Emergency motion to quash taking of deposition after expiration of discovery deadline, **3:427** 

Expedited pretrial order, objection to, 3:431

Expert witnesses

Further discovery and continuance of trial, opposition to motion, 3:470

Protective orders, **3:397**, **3:469** 

Extension of factual discovery, new defendant, **3:473** 

Fed. R. Civ. P. Rule 26, initial disclosures under, 3:7

Fifth Amendment, protective order for minor, **3:384** 

Former patients, protective order precluding plaintiff from contacting, **3:394** 

Further discovery and inspection of computer and phone records, motion to compel, **3:449** 

#### DISCOVERY—Cont'd

Further discovery responses, motion to compel, **3:354** 

In limine motions, failure to supplement, expert witnesses, **6:60** 

Inspections

Motion to compel, 3:352

Premises, **3:472** 

Interrogatories, this index

Intervention, leave for, 3:450

Joint scheduling order, elevator company, **3:9** 

Joint statement pursuant to local rule 16.1(D), **3:325** 

Jury view, 3:471

Letters rogatory, issuance of, 3:444

Litigation costs, motion to preclude evidence of, **3:466** 

Medical malpractice, checklist, **3:4** Medical records

Sanctions, failure to produce, 3:455

Strike, motion to, liability reference, **3:410** 

Memorandum in opposition to defendants

Motion to compel Rule 35 examinations, plaintiff child

Extend deadlines relating to defendants supplemental disclosures, **3:372** 

Mental examinations. Physical and medical examinations, below

Minors, protective orders, **3:385**, **3:402** 

Motions

Generally, 3:324 to 3:474

Capias writ, 3:446

Case management conference, motion to defer factual discovery until after, **3:432** 

Compel discoverable information, **3:462** 

Compel. Motions to Compel, below

Damages, revocation of stipulation limiting, **3:447** 

Default motion, above

#### DISCOVERY—Cont'd

Motions—Cont'd

Department of children and families records, opposition to motion for production and use of, **3:460** 

Depositions, this index

Destructive testing, allowance of, 3:474

Disassembly of subject product, memorandum in support of motion to conduct further, 3:435

District attorney, order to make files available, **3:428** 

Emergency motion to quash taking of deposition after expiration of discovery deadline, **3:427** 

Expedited pretrial order, objection to, **3:431** 

Expert witnesses, opposition to motion allowing further discovery and for continuance of trial, 3:470

Extension of factual discovery, new defendant, **3:473** 

Inspection of premises, **3:472** Intervention, leave for, **3:450** 

Joint statement pursuant to local rule 16.1(D), 3:325

Jury view, **3:471** 

Leave to amend complaint, memorandum in support, **3:435** 

Letters rogatory, issuance of, **3:444** 

Litigation costs, motion to preclude evidence of, **3:466** 

Medical examination by nonphysician, opposition to motion to submit to, **3:458** 

Motions to compel, below

Nondestructive analysis of product, **3:443** 

Pathology slides, motion to quash subpoena and deposition notice seeking production and removal of, **3:459** 

Peer review committee privilege, opposition to petition for relief under, **3:434** 

Protective orders, below

#### DISCOVERY—Cont'd

Motions—Cont'd

Relief from automatic stay, **3:433** Return of inadvertently disclosed,

attorney-client privileged e-mail, 3:451

Sanctions, below

Schedule for discovery, joint motion to be relieved from compliance with and to suspend trial date due to criminal prosecution of key witness, 3:468

Social media accounts, opposition to motion to compel access to, 3:461

Stay of discovery, below

Strike, motion to, below

Substitute experts, plaintiff's emergency motion to, **3:430** 

Summary judgment, below

Tests, opposition to motion to perform, **3:423** 

Time in which to respond to discovery request, motion to enlarge, 3:424

Time to answer interrogatories, motion to shorten, **3:425** 

Motions to compel

Car, inspection of, 3:356

Deponent, 3:361

Depositions, this index

DSS compliance with record subpoena, 3:337

Extend Rule 35 protocol deadlines, 3:373

Further discovery and inspection of computer and phone records, **3:449** 

Further discovery responses, 3:354

HIPAA compliant medical authorizations and authorization for release of social security records, 3:378

Inspection, 3:352

Interrogatories, 3:353

Interrogatories, this index

Medical examination, attendance of plaintiff at, 3:379

#### DISCOVERY—Cont'd

Motions to compel—Cont'd

Memorandum to defendant8217s
opposition to plaintiff8217s
motion for order compelling
information and documents,
3:375

Mental examination, opposition to motion to conduct or to bar psychiatric evidence at trial, 3:441

Opposition to defendants proposed protocol

Rule 35 examination of plaintiff child, **3:371** 

Opposition to motion

Car, inspection of, 3:356

HIPAA compliant medical authorizations and authorization for release of social security records, **3:378** 

Independent medical examination (IME), **3:369** 

Medical examination, attendance of plaintiff at, **3:379** 

Physical examination, **3:370**, **3:380** 

Presence of counsel, physical examination outside, **3:380** 

Work product, 3:440

Opposition to motion to compel product production, **3:374** 

Other accidents, 3:341

Photographs, 3:359

Physical and/or mental examination, **3:442** 

Physical examination, **3:370**, **3:380** 

Plaintiffs motion for order compelling information and documents, **3:347** 

Presence of counsel, physical examination outside, **3:380** 

Privilege log, 3:344

Production of documents, 3:353

Production of Documents and Things, this index

Records subpoena, compliance with, **3:358** 

Refusal to admit facts, 3:368

#### DISCOVERY—Cont'd

Motions to compel—Cont'd Substantially similar products, 3:349

Successor liability and timeframe of requests, **3:348** 

Supplemental discovery responses, 3:355

Wealth, 3:360

Work product, 3:440

Motion to vacate, defendant's assented to

Default motion, 3:420

Negligence, this index

Nondestructive analysis of product, 3:443

Other accidents, motion to compel, 3:341

Pathology slides, motion to quash subpoena and deposition notice seeking production and removal of, **3:459** 

Peer review committee privilege, opposition to petition for relief under, **3:434** 

Photographs, motion to compel, **3:359** 

Physical and medical examinations
Attendance of plaintiff, motion to compel, 3:379

Mental examinations

Motion to compel, 3:442

Opposition to motion to conduct or to bar psychiatric evidence at trial, **3:441** 

Motion to compel, 3:370, 3:380

Non-physician, opposition to motion to submit to examination by, **3:458** 

Physician, protective orders, 3:378

Premises Liability, this index

Presence of counsel, motion to compel physical examination outside, **3:380** 

Privileged information, protective orders, **3:386** 

Privilege log, motion to compel, **3:344** 

#### DISCOVERY—Cont'd DISCOVERY—Cont'd Production of Documents and Protective orders—Cont'd Things, this index Privileged information, **3:386** Products Liability, this index Psychological issues, minor with, Protective orders 3:403 Confidentiality, 3:393, 3:401 Relevance, preservation, 3:389 Statement of reasons, 3:406 Criminal trial, extension of order until completion of, 3:453 Stipulated order regarding protected and proprietary Department of children and family information to be produced, records, 3:396 Deposition locale, 3:383, 3:387, 3:405 3:400 Subpoena duces tecum, opposition to motion to quash, 3:469 Depositions, this index Telephone depositions, out-of-state Eleventh hour delay tactic, 3:392 plaintiffs, 3:404 Expert witnesses, 3:397, 3:469 Undue hardship, 3:390 Fifth Amendment, minor, 3:384 Psychological issues, protective order Former patients, order precluding regarding minor with, **3:403** plaintiff from contacting, 3:394 Public records exception Minors, 3:368, 3:385, 3:402, Strike, motion to, 3:411 3:402 Records subpoena, motion to compel Motion to quash and protective compliance with, 3:358 order, 3:399 Relevance, preservation, protective Non-party doctor witness, 3:398 orders, 3:389 Opposition to motion Relief from automatic stay, 3:433 Confidentiality, 3:393, 3:401 Request for Admissions, this index Department of children and fam-Requests to produce. Production of ily records, 3:396 Documents and Things, this Deposition locale, 3:387, 3:400 index Eleventh hour delay tactic, Return of inadvertently disclosed, 3:392 attorney-client privileged e-mail, Expert witness, 3:397 3:451 Former patients, order preclud-Sanctions ing plaintiff from contact-Depositions, refusal to attend ing, **3:394** previously scheduled, 3:454 Motion to quash and protective Depositions, refusal to comply order. 3:399 with deposition subpoenas, Non-party doctor witness, 3:398 Physician, 3:394 to 3:398 Medical records, failure to pro-Premises liability, name and duce, 3:455 information of rape victim Motions and prior civil action, 3:391 Generally, 3:436 Relevance, preservation, 3:389 Medical records, failure to pro-Statement of reasons, 3:406 duce. 3:455 Undue hardship, 3:390 Noncompliance with court's Physician, 3:394 to 3:398 discovery orders, 3:464 Special master's review of docu-Premises liability, name and information of rape victim and ment production, default motion, 3:418 prior civil action, 3:391

#### DISCOVERY-Cont'd

Sanctions—Cont'd

Subpoenas, refusal to comply with deposition subpoenas, **3:454** 

Schedule for discovery, joint motion to be relieved from compliance with and to suspend trial date due to criminal prosecution of key witness, **3:468** 

Social media accounts, opposition to motion to compel access to, 3:461

Special master's review of document production, default motion, sanctions, **3:418** 

Spoliation of evidence

Default motion, 3:419

Statement of reasons

Protective orders, 3:406

Stay of discovery

Generally, 3:456

Limited opposition to motion pending resolution of Rule 12 motions, **3:457** 

Stipulated order regarding protected and proprietary information to be produced, protective orders, **3:405** 

Strike, motion to

Generally, 3:407 to 3:411

Identity of person with most knowledge

Generally, 3:407

Brief in support of motion, 3:408

Medical records, liability reference in, **3:410** 

Opposition to motion, requests for admission, **3:409** 

Public records exception, 3:411

Subpoena duces tecum, opposition to motion to quash, **3:469** 

Substantially similar products, motion to compel, **3:349** 

Substitute experts, plaintiff's emergency motion to, **3:430** 

Successor corporations

Timeframe of requests, motion to compel, **3:348** 

#### DISCOVERY—Cont'd

Telephone depositions, out-of-state plaintiffs, protective orders, 3:404

Tests, opposition to motion to perform, **3:423** 

Time in which to respond to discovery request, motion to enlarge, **3:424** 

Time to answer interrogatories, motion to shorten, **3:425** 

Undue hardship, protective orders, **3:390** 

Wealth, motion to compel, **3:360**Work product, motion to compel, **3:440** 

#### DISCRIMINATION

Age Discrimination, this index Interrogatories, this index

Massachusetts Commission Against Discrimination, this index

Mediation, 4:26

National Origin Discrimination, this index

Production of Documents and Things, this index

Sexual Orientation Discrimination, this index

## DISMISSAL OF COMPLAINT

Generally, 2:154 to 2:170

Amended complaint, 2:172

City as defendant, 2:168

Facts substantiate plaintiff's claim, 2:162

Forum non conveniens, 2:158, 2:159
Jurisdiction, lack of, 2:154 to 2:156,
2:167

Wrongful termination, 2:164

Mass. Tort Claims Act, 2:165

Motion to dismiss, Cross motion to stike exhibit in defendant8217s, **2:161** 

Negotiation and Settlement, this index

Opposition to motion to dismiss, generally, 2:154 to 2:170

Particularity sufficient, 2:163

Personal jurisdiction, lack of, 2:156

## DISMISSAL OF COMPLAINT —Cont'd

Reasons other than lack of jurisdiction. **2:157** 

Recreational use statute, **2:166** Service, untimely, **2:160** 

Wrongful termination, jurisdiction, service of process, claims supported, **2:164** 

## DISPOSABLE CIGARETTE LIGHTER MANUFACTURER

Products liability, interrogatories, 3:25

## **DISTRICT ATTORNEY**

Discovery, order to make files available, **3:429** 

#### **DOG BITES**

Negligence, this index

## **DRAIN CLEANER**

Products Liability, this index

#### **DRAM SHOP**

Statutory Violations, this index

## **DRUGS**

In Limine Motions, this index Medical malpractice, drug error, physicians, complaint, **2:92** Prescription Drugs, this index Products Liability, this index

#### **DUAL PERSONA DOCTRINE**

Discovery, summary judgment, 5:47

## **ECONOMIC TESTIMONY**

In limine motions, 6:54

## **ECONOMIST'S REPORT**

Negotiation and settlement, replacement costs, **4:2** 

## **ELECTRICAL SYSTEM**

Premises liability, defective, complaint, **2:53** 

## **ELECTRICAL WIRE**

Wrongful death, 2:105

## ELECTRIC BLANKET MANUFACTURER

Products liability, production of documents and things, **3:195** 

## **ELECTRIC COMPANIES**

Negligence, this index

## ELECTRIC POWER LINES AND POLES

Interrogatories, control and maintenance, **3:103** 

## **ELECTRIC UTILITIES**

Negligence, this index

## **ELECTROCUTION**

Military Claims Act, claims against United States, **2:146** 

Negligence, complaint, 2:72

## ELECTRONIC MONITORING DEVICES

Products Liability, this index

## **ELEVATORS**

Complaint, 2:23

Interrogatories, **3:98**Production of documents and things,

3:212

## ELEVENTH HOUR DELAY TACTIC

Discovery, protective orders, 3:392

#### E-MAIL

Discovery, return of inadvertently disclosed, attorney-client privileged e-mail, **3:451** 

## **EMPLOYMENT**

Absence from employment, case preparation, request for dates, 1:23

Complaint, wrongful termination, 2:100

Evidence, product identification, **6:159** 

In limine motions, employment discipline, **6:107** 

Trial briefs, former employee of defendant, deposition testimony, **6:32** 

#### EMPLOYMENT—Cont'd

Verdicts, employee negligence, verdict questions, **6:201** Wrongful Termination, this index

#### **ENGINEERING INFORMATION**

Production of documents and things, relevance, motion to compel, **3:346** 

#### **ENTRANCE WAY**

Products liability, design and maintenance defect, deposition, **3:179** 

#### **EQUIPMENT**

Interrogatories, maintenance, 3:102

#### **EVIDENCE**

Appeal and review, brief of plaintiff, 8:1, 8:4

Confidentiality, opposition to motion to compel nonparty's testimony in breach of, **6:160** 

Corporate employee, product identification, **6:159** 

Cross-examination

Generally, 6:155 to 6:159

Corporate employee, product identification, **6:159** 

Medical expert for defendant, **6:156** 

Merchandise manager of defendant, **6:158** 

Officer of defendant, **6:157** 

Technical expert for defendant, **6:155** 

Direct examination

Generally, 6:149 to 6:154

Defendant's witnesses, **6:153**, **6:154** 

Incorporator of defendant, 6:153

Officer of defendant, 6:154

Physician for plaintiff, 6:152

Plaintiff, **6:149** 

Plaintiff's witnesses, **6:150 to 6:152** 

Technical expert for plaintiff, **6:151** 

Examination of witnesses, generally, **6:148 to 6:163** 

Expert Witnesses, this index

#### EVIDENCE—Cont'd

Incorporator of defendant, **6:153**Merchandise manager of defendant, **6:158** 

Offer of Proof, this index Officer of defendant, **6:154**, **6:157** Physician for plaintiff, **6:152** Preservation of Evidence, this index Spoliation of Evidence, this index

Trial, examination of witnesses, generally, **6:148 to 6:163** 

Trial Briefs, this index

#### **EXEMPLARY DAMAGES**

Punitive Damages, this index

#### **EXERCISE EQUIPMENT**

Products Liability, this index

## **EXHIBITS**

Expert witnesses

Certain hearsay statements, memorandum in opposition to motion to exclude, **6:119** 

Hearsay statements contained in proposed trial exhibits, memorandum in opposition to motion to exclude, 6:118, 6:119

Pre-trial memorandum in support of opposition to motion to strike, **5:100** 

#### EXPERT WITNESSES

Case preparation

Generally, 1:36 to 1:44

Gas line fire, affidavit, 1:44

Liability expert, disclosure of, 1:43

Medical treatment, expert evaluation of, **1:38, 1:39** 

Prescription drugs, opinion regarding failure to warn and instruct, **1:41** 

Qualification checklist, 1:37

Stairway ladder, report regarding defect. **1:42** 

Technical expert, precomplaint report, **1:40** 

Causation and admissibility of testimony, memorandum of law, 6:163

#### EXPERT WITNESSES—Cont'd

Depositions, this index
Discovery, this index
Exclusion, opposition to motion for,
6:162

Expert disclosure, opposition to motion to strike from pretrial memorandum, 5:103

Expert report, opposition to motion to strike and preclude expert testimony, **5:104** 

Gas line fire, affidavit, 1:44
In Limine Motions, this index
Interrogatories, this index
Liability expert, disclosure of, 1:43
Medical expert, cross-examination,
6:156

Medical treatment, expert evaluation of, **1:38**, **1:39** 

Out of order, opposition to motion to call, **6:161** 

Prescription drugs, opinion regarding failure to warn and instruct, **1:41** 

Pretrial memorandum

Daubert motion, opposition to motion to exclude expert opinion that defendant caused plaintiff harm, **5:86** 

Expert disclosure, opposition to motion to strike, **5:103** 

Expert report, opposition to motion to strike and preclude expert testimony, **5:104** 

Harm to plaintiff, opposition to Daubert motion to exclude expert opinion that defendant caused, **5:86** 

Motion in limine to exclude and for Rule 104(a) hearing, opposition to, **5:85** 

Pre-Trial Preparation, this index Qualification checklist, **1:37** Stairway ladder, report regarding

Substitute, plaintiff's emergency motion to, **3:430** 

Technical expert

defect, 1:42

Cross-examination, **6:155** Direct examination, **6:151** 

#### EXPERT WITNESSES—Cont'd

Technical expert—Cont'd
Precomplaint report, **1:40**Trial briefs, **6:26**Verdicts, opposition to motion to preclude, **6:203** 

## EXTENSION OF TIME FOR SERVICE

Complaints, this index

#### FAMILY MEDICAL HISTORY

Case preparation, checklist, 1:5

## FEDERAL AVIATION AGENCY PERSONNEL

Federal Tort Claims Act, 2:149

## FEDERAL DIVERSITY JURISDICTION

Complaint, 2:127

## FEDERAL TORT CLAIMS ACT

United States, this index

#### FIFTH AMENDMENT

Depositions, motion to compel, **3:438** Discovery, protective order for minor, **3:384** 

## FINANCIAL HEALTH

In limine motions, 6:109

#### FIRE DEPARTMENT REPORT

In limine motions, **6:104** 

## FLAMMABLE FABRICS

Deposition, notice of, **3:117** Products Liability, this index

#### FOAM INSULATION INSTALLER

Interrogatories, 3:113

#### FOREIGN COUNTRY

Complaint, extension of time for service of, **2:177** 

## FORMER DEFENDANTS AND SETTLEMENTS

In Limine Motions, this index

## FORUM NON CONVENIENS

Dismissal of complaint, 2:158, 2:159

#### **FOUNDATION**

In limine motions, expert witnesses, **6:61** 

## **FRANCHISES**

Premises Liability, this index

## FRAUD AND

#### **MISREPRESENTATION**

Complaint, home sale, 2:117

#### FRAUDULENT TRANSFER

Pre-trial memorandum, petition to set aside, **5:68** 

## FREEDOM OF INFORMATION ACT

Consumer product information, 1:51

## FRIVOLOUS LAWSUIT

Sanctions, motion for, 2:200

## **FUTURE MEDICAL EXPENSES**

Joint pre-trial memorandum, 5:65

#### **GAS COMPANY**

Products Liability, this index

## GAS DRYER INSTALLER

Deposition, notice of, 3:128

## GAS DRYER MANUFACTURER

Deposition, notice of, 3:127

## GAS EQUIPMENT AND SERVICES

Deposition, notice of, **3:136** 

Discovery, summary judgment, **5:36** Negligence, this index

#### GAS EXPLOSION

Negligence, request for admissions,

Products liability, trial brief, 6:7

## **GAS LINES**

Expert witnesses, affidavit, 1:44

Negligence, this index

Wrongful death, 2:85

## GENERAL AVIATION REVITALIZATION ACT OF 1994

Discovery, summary judgment, 5:52

#### GOOD SAMARITAN

Discovery, affirmative defense, summary judgment, **5:54** 

## **GOVERNMENT**

Negligence, this index

## GOVERNMENT TORT CLAIMS ACTION

Discovery, summary judgment, 5:28

## **GROSS NEGLIGENCE**

Negligence, this index

## **GUARDIAN AD LITEM**

Pre-trial Preparation, this index

#### GUNS

Products Liability, this index

#### **GYNECOLOGIST**

Amendment of complaint, medical malpractice, **2:136** 

#### HABEAS CORPUS

Pre-trial memorandum, 5:71

#### HAIR DRYER

Products liability, opening statement, **6:147** 

## **HARASSMENT**

Mediation, 4:26

Sexual Harassment, this index

## HAZARDOUS MATERIAL

Negligence, storage, complaint, 2:61

#### HEALTH OF DEFENDANT

Interrogatories, 3:91

#### **HEALTH PLANS**

Medical Malpractice, this index

## HEARSAY

In Limine Motions, this index

## **HELIUM GAS**

Products liability, complaint, 2:12

## HERBAL SUPPLEMENTS

Products Liability, this index

## HIPAA (HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT)

Motions to compel, opposition to HIPAA compliant medical authorizations and authorization for release of social security records, 3:378

#### **HISTORY**

Interrogatories, this index

## HIV (HUMAN IMMUNODEFICIENCY VIRUS)

In limine motions

Lack of testing plaintiff for HIV by other physicians, motion to exclude, **6:123** 

Manner in which plaintiff became infected, motion to exclude, **6:122** 

Interrogatories

Medical malpractice, 3:45, 3:46, 7:34

Post judgment, 7:34

Medical malpractice

Interrogatories, 3:45, 3:46, 7:34

Post judgment

Collection of assets, **7:34**, **7:35** Interrogatories, **7:34** 

Production of documents and things, medical malpractice, 3:234

Trial brief, medical malpractice, **6:5** 

Post judgment

Collection of assets, **7:34**, **7:35** Interrogatories, **7:34** 

Production of documents and things, medical malpractice, **3:234** 

Trial brief, medical malpractice, 6:5

#### **HORSE FARMS**

Negligence, this index

## HOSPITAL EXECUTIVE COMMITTEE

In limine motions, insurance coverage, **6:88** 

#### HOSPITALS

Deposition, notice of taking (30(b)(6)), **3:135**, **3:138** 

Medical Malpractice, this index

Negligence, vicarious liability, complaint, **2:115** 

Premises liability, production of documents and things, **3:236** 

Records

Case preparation, **1:17**, **1:18** 

Trial briefs, 6:17

Request for admissions, 3:307

Standards and procedures, production of documents and things, motion to compel, **3:343** 

#### HOTELS

Premises Liability, this index

#### HOUSING

Negligence, uninhabitable, complaint, **2:57** 

#### **IMMIGRANT STATUS**

In limine motions, 6:121

## IN CAMERA REVIEW

Pre-trial preparation, 5:23

## **INCORPORATORS**

Evidence, **6:153** 

#### INDUSTRIAL ACCIDENTS

Negligence, this index

#### INDUSTRIAL EXPLOSION

Negligence, request for admissions, 3:312

## INDUSTRIAL MACHINES

Products Liability, this index

#### INDUSTRIAL PRODUCTS

Products Liability, this index

#### **INFANTS**

Children and Minors, this index

#### IN LIMINE MOTIONS

Generally, **6:37 to 6:132** 

Accident reconstruction expert, **6:81** Affidavit of plaintiff's attorney, **6:110** 

#### IN LIMINE MOTIONS—Cont'd IN LIMINE MOTIONS—Cont'd Expert witnesses Alcohol and drug consumption and history Generally, **6:60 to 6:65, 6:115 to** Generally, 6:76 6:120 Certain hearsay statements, memo-Insurance coverage, 6:89 randum in opposition to ANSI regulations, **6:43** motion to exclude, 6:119 Attorneys, communications with, Discovery, failure to supplement, 6:126 6:60 Bankruptcy of defendant, 6:109 Duplicative testimony, **6:102** Brief in support of motion, 6:42 Exclusion motion, 6:131 Character evidence, 6:68 Failure to disclose, 6:115 Children, number in home, 6:114 Foundation, relevance, 6:61 City employees' conduct, barring of Hearsay, **6:65** defendant from characterization Hearsay statements contained in as causal negligence, 6:84 proposed trial exhibits, mem-Codes and regulations, 6:91 orandum in opposition to Collateral source benefits motion to exclude, 6:118 Generally, 6:38 to 6:40 Memorandum in opposition to motion to exclude Settlement, 6:40 Generally, 6:117 to 6:119 Comparative negligence, 6:103 Certain hearsay statements, Confidentiality, medical evidence, 6:119 6:49 Hearsay statements contained in Conscious pain and suffering, 6:95, proposed trial exhibits, 6:96 6:118, 6:119 Criminal activity, 6:93 Motion to exclude, **6:120** Criminal record, prior, 6:78 Opposition to motion to exclude, Day in life video, 6:74 6:116 Decedent's statement, 6:106 Reliability Defense evidence, failure to answer Generally, 6:62 to 6:64 interrogatories, 6:69 Memorandum, 6:64 Demand letter as admission, 6:56 Standard of care, 6:63 Deposition testimony, motion to Financial health of defendant, **6:109** strike, 6:111, 6:125 Fire department report, 6:104 Discovery, failure to supplement, Former defendants and settlements expert witnesses, 6:60 Generally, 6:82 to 6:84 Drugs. Alcohol and drug consump-City employees' conduct, barring tion and history, above of defendant from Duplicative expert testimony, motion characterization as causal to preclude, 6:102 negligence, 6:84 Economic testimony, 6:54 Work orders, patent, 6:83 Employment discipline post-incident, Foundation, relevance, expert wit-6:107 nesses. 6:61 Evidence in plaintiff's possession General size and position on name in subsequent to occurrence, marketplace, memorandum in relevance, 6:44 support of allowing evidence as to, 6:132 Exclusion of evidence, 6:41, 6:130,

Golden rule, 6:101

6:131

IN LIMINE MOTIONS—Cont'd	IN LIMINE MOTIONS—Cont'd
Hearsay	Motions to exclude—Cont'd
Generally, <b>6:112</b>	HIV, manner in which plaintiff
Expert witnesses, <b>6:65</b>	became infected, 6:122
HIV, lack of testing plaintiff for by	Immigrant status, 6:121
other physicians, motion to	Negative evidence, <b>6:45</b>
exclude, <b>6:123</b>	Net worth, <b>6:98</b>
HIV, manner in which plaintiff	Online document and purported
became infected, motion to	release, <b>6:113</b>
exclude, <b>6:122</b>	"Open and obvious" defense, <b>6:108</b>
Hospital executive committee memo-	Operation under the influence, <b>6:90</b>
randum, insurance coverage,	Opposition to motion
6:88	Generally, 6:51 to 6:59, 6:91 to
Immigrant status, motion to exclude,	6:100, 6:130 to 6:132
6:121	Codes and regulations, <b>6:91</b>
Inspection, insurance coverage, <b>6:87</b>	Conscious pain and suffering,
Insurance coverage	<b>6:95, 6:96</b> Criminal activity, <b>6:93</b>
Generally, <b>6:85 to 6:89</b>	Demand letter as admission, <b>6:56</b>
Admission of coverage by	Drug and alcohol history, <b>6:89</b>
defendant, 6:109	Duplicative expert testimony,
Drug and alcohol history, opposition to motion, <b>6:89</b>	6:102
Hospital executive committee	Economic testimony, <b>6:54</b>
memorandum, opposition to	Exclusion of evidence, <b>6:130</b> ,
motion, <b>6:88</b>	6:131
Inspection, <b>6:87</b>	Expert testimony
Punitive damages	Duplicative, 6:102
Generally, 6:85	Motion to exclude, <b>6:131</b>
Opposition to motion to bar	General size and position on name
claim, <b>6:86</b>	in marketplace, memorandum
Investigation report, public or busi-	in support of allowing evidence as to, <b>6:132</b>
ness record, <b>6:92</b>	Golden rule, <b>6:101</b>
Lawn dart, <b>6:55</b>	Hospital executive committee
Life expectancy, <b>6:95</b>	memorandum, <b>6:88</b>
Marital difficulties, 6:127	Investigation report, public or busi-
Medical evidence	ness record, <b>6:92</b>
Breach of patient confidentiality,	Lawn dart, 6:55
6:49	Life expectancy, <b>6:95</b>
Unfair surprise, <b>6:48</b>	Medical records, <b>6:53</b> , <b>6:100</b>
Medical records	Net worth, <b>6:98</b>
Generally, <b>6:53</b> , <b>6:100</b>	Other accidents, 6:58
Designation, response to objections to, <b>6:133</b>	Pain-and-suffering, motion to preclude, <b>6:59</b>
Exclusion motion, 6:129	Photographs, <b>6:71</b>
Medical services, gratuitous, 6:79	Pre-occurrence advertising, <b>6:51</b>
Motions to exclude	Product performance report, <b>6:57</b>
HIV, lack of testing plaintiff for by	Product testing, <b>6:94</b>
other physicians, 6:123	Psychiatric treatment, <b>6:52</b>

#### IN LIMINE MOTIONS—Cont'd IN LIMINE MOTIONS—Cont'd Opposition to motion—Cont'd Warnings, **6:97** Public duty, 6:101 Work orders, patent, former Punitive damages, **6:86**, **6:98** defendants and settlements, 6:83 Reptile theory, 6:101 INSPECTIONS Subsequent remedial measures, Discovery, this index 6:99 In limine motions, insurance cover-Warnings, 6:97 age, 6:87 OSHA regulations, **6:43** INSTRUCTIONS Other accidents, 6:58 Pain and suffering, motion to Warnings and Instructions, this index preclude, 6:59 INSTRUCTIONS TO JURY Photographs Generally, **6:171 to 6:195** Generally, 6:70 Appeal and review, brief of plaintiff, Opposition to motion to preclude 8:1, 8:4 admission, 6:71 Burden of proof, 6:175 Police report and opinion, hearsay, Damages, 6:190 6:46 Deposition testimony, 6:194 Pre-occurrence advertising, 6:51 General instructions, 6:172 Prior claims, 6:73 Intervening and superseding causes, Prior incidents, 6:50 objection to instructions, 6:195 Product performance report, 6:57 Medical malpractice, **6:191**, **6:192** Product testing, 6:94 Negligence, this index Psychiatric treatment, 6:52 Premises liability, **6:193** Public duty, 6:101 Products Liability, this index Punitive damages Requests, generally, 6:171 to 6:195 Generally, **6:86**, **6:98** Warranty, breach of, 6:174 Insurance coverage, above Witness instructions, **6:173** Recall, 6:75 **INSURANCE** Related lawsuit, 6:72 In Limine Motions, this index Reliability. Expert witnesses, above Negotiation and Settlement, this Reptile theory, 6:101 index Settlements Voir dire. **6:142** Collateral source benefits, 6:40 INTERLOCUTORY APPEALS Other claims, 6:67 Prior settlements. 6:77 Appeal and Review, this index Standard of care, 6:128 INTERLOCUTORY INJUNCTION State police department records, Verdicts, motion, 6:204 6:105 **INTERNET** Statistics, confusing and misleading, Case preparation, generally, 1:52 to Subsequent remedial measures, 6:99, 1:56 6:124 Connecting to Internet, 1:53 Tax returns, 6:80 Government sources of information, 1:56 Town police department records, 6:105 Potential sources for personal injury, legal and product data, 1:55 Unfair surprise, medical evidence,

Tools, 1:54

6:48

INTERROGATORIES	INTERROGATORIES—Cont'd
Generally, 3:10 to 3:119	Jurisdiction
Age discrimination, 3:59	Generally, 3:119
Assets, <b>3:87</b>	Motions to compel, 3:332
Assumption of risk, 3:99	Knowledge of conditions, 3:96
Automobiles and Other Motor	Landlord liability, injury caused by
Vehicles, this index	stove, <b>3:109</b>
Construction site, negligent maintenance of, <b>3:56</b>	Liability insurance, existence of, <b>3:100</b>
Contractor liability, death of child on	Maintenance
public playground, 3:111	Electric power lines and poles,
Contributory negligence, <b>3:99</b>	3:103
Corporate successor liability, <b>3:114</b>	Equipment, 3:102
Damages, automobile collision, <b>3:117</b>	Parking lot, <b>3:104</b>
Defendant's account of incident, <b>3:92</b>	Store entrance, 3:105
Discrimination	Medical Malpractice, this index
Age, <b>3:59</b>	Medical research materials, authoritativeness, <b>3:108</b>
Massachusetts Commission	Motions
Against Discrimination, <b>3:60</b>	Motions to compel, below
National origin and sexual orienta-	Reconsideration of court order
tion, wrongful discharge, 3:61	allowing motion to compel
Electric power lines and poles,	more complete answer, <b>3:452</b>
control and maintenance of,	Motions to compel
3:103	Generally, 3:326 to 3:331, 3:353
Elevator company, 3:98	Jurisdiction, 3:332
Equipment, maintenance, 3:102	Medical Malpractice, this index
Experts	Other complaints, 3:342
Use of, <b>3:116</b>	Prior lawsuits, 3:330
Witnesses, to be called as, 3:115	Product alteration, packaging, test-
Factory accident, 3:65	ing and investigation, similar
Foam insulation installer liability,	accidents, prior lawsuits,
3:113	advertising, post-sale recall
Further answers to interrogatories	and warnings, 3:341
Identity of person with most	Product labeling and alteration Generally, <b>3:326</b>
knowledge	Brief in support of motion,
Generally, 3:407	3:327
Brief in support of motion, <b>3:408</b>	Product testing and inspection
Health club, 3:79	Generally, 3:328
Health of defendant, 3:91	Brief in support of motion, 3:327
History	Municipal liability, death of child on
Generally, 3:93 to 3:95	public playground, <b>3:111</b>
Complaints, 3:93	National origin discrimination,
Prior litigation, <b>3:94</b>	wrongful discharge, <b>3:61</b>
Prior medical malpractice actions,	Negligence, this index, <b>3:61</b>
<b>3:95</b>	Parking lot, maintenance of, <b>3:104</b>
Industrial equipment, 3:42	Physical condition of defendant, <b>3:91</b>

#### INTERROGATORIES—Cont'd

Post judgment, medical malpractice, infectious disease/HIV, **7:34**Premises Liability, this index

Product alteration, packaging, testing and investigation, similar

accidents, prior lawsuits, advertising, post-sale recall and warnings, motion to compel, 3:341

Product labeling and alteration.

Motions to compel, above

Products Liability, this index Product testing and inspection. Motions to compel, above

Receipt of required notice, 3:90

Reconsideration of court order allowing motion to compel more complete answer, **3:452** 

Repair of equipment, 3:102

Reports, 3:97

Safety devices on industrial machine, presence of, **3:101** 

Sexual harassment, 3:88

Sexual orientation discrimination, wrongful discharge, **3:61** 

Ship collision, circumstances of, **3:107** 

Skylight installer liability, **3:112** Statutory Violations, this index

Store entrance, control and maintenance of, **3:105** 

Trust, 3:118

Vehicle owner liability, injury caused by operator, **3:110** 

Verdicts, 6:202

Witnesses, 3:97

Wrongful termination, 3:89

## **INTERVENING CAUSES**

Instructions to jury, objection to instructions, **6:195** 

#### INTERVENTION

Discovery, 3:450

Opposition to motion, **2:201** 

Verdicts, insurance company, 6:205

## INTRAUTERINE CONTRACEPTIVE DEVICES

Products Liability, this index

#### INVESTIGATION REPORTS

In limine motions, public or business record, **6:92** 

Trial briefs, 6:21

#### **IRON**

Products liability, complaint, 2:45

#### IET SKI

Products liability, complaint, 2:20

## JOINDER OF PARTIES

Just adjudication, motion to compel joinder of parties needed for, 2:175

## JOINT MEMORANDUM

Pre-Trial Memorandum, this index

## JUDGMENT AS MATTER OF LAW Motion, 6:170

## JUDGMENT NOTWITHSTANDING VERDICT

Collection of assets, opposition to motion, **7:14**, **7:15** 

Memorandum in opposition, 7:2

#### **JURISDICTION**

Complaints, this index

Discovery, summary judgment, **5:42**, **5:43** 

Dismissal of complaint, 2:154 to 2:156, 2:164, 2:167

Interrogatories, this index

#### **JURY VIEW**

Discovery, 3:471

## KNOWLEDGE

Depositions, knowledge of seller regarding product, **3:158** 

Interrogatories, 3:96

Voir dire, personal knowledge or bias, **6:139** 

## LABORATORY WORK

Negligence, chemicals/equipment accident, complaint, **2:88** 

#### LANDLORD LIABILITY

Interrogatories, injury caused by stove. **3:109** 

#### LAWN DART

In limine motions, 6:55

## LAWNMOWER

Products liability, complaint, 2:42

## LEAD POISONING PREVENTION AND CONTROL ACT

Statutory Violations, this index

#### LETTERS OF CREDIT

Collection of assets, opposition to motion to substitute for super-sedeas bond, 7:22

#### LETTERS ROGATORY

Depositions, this index Discovery, issuance, **3:444** 

## LIABILITY INSURANCE

Interrogatories, 3:100

## LIBEL

Complaint, 2:118

#### **LIENS**

Case preparation, checklist, 1:8

## LIFE EXPECTANCY

In limine motions, **6:95**Joint pre-trial memorandum, **5:65** 

## **LIFE TABLES**

Trial briefs, 6:16

## LIQUOR AND ENTERTAINMENT LICENSE

Pre-trial memorandum, real estate attachment, **5:91** 

## LONG ARM STATUTE

Complaint, jurisdiction, 2:127

## LOSS OF CHANCE

Amendment of complaint, medical malpractice, **2:136** 

#### **MACHINES**

Products Liability, this index

#### **MAINTENANCE**

Interrogatories, this index

## MARINE CORPS PERSONNEL

Federal Tort Claims Act, 2:148

#### MARITAL DIFFICULTIES

In limine motions, **6:127** 

#### MARKETING

Depositions, this index Products liability, instructions to jury, **6:189** 

## MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

Complaint, 2:99

Default motion, 2:196

Interrogatories, 3:60

Production of documents and things, **3:266** 

## MASSACHUSETTS TORT CLAIMS ACT

Dismissal of complaint, 2:165

#### **MEDIATION**

Generally, 4:21 to 4:31

Construction site, negligent maintenance of, **4:27** 

Continuance of trial, motion for, 4:31

Discrimination, 4:26

Harassment, 4:26

Health club, negligence, **4:30** 

Negligence, defective snow tube,

4.24

Negligence, health club, 4:30

Nursing home, negligent supervision, **4:25** 

Qui tam action, relator's mediation brief, **4:28** 

Retaliation, 4:26

Snow tube, defective

Generally, 4:23

Negligence, 4:24

Summary, generally, 4:21 et seq.

Swimming pool, negligent supervision, **4:29** 

Truck lift gate, defective, 4:22

Wood burning stove, defective, 4:21

#### **MEDICAL AUTHORIZATION**

Case preparation, 1:12

## MEDICAL DEVICES

Deposition, notice of, **3:122** Products Liability, this index

MEDICAL EVIDENCE	MEDICAL MALPRACTICE
In Limine Motions, this index	—Cont'd
MEDICAL EXPERT	Failure to diagnose or inform —Cont'd
Expert witnesses, cross-examination, <b>6:156</b>	Production of documents and things, <b>3:233</b>
MEDICAL MALPRACTICE	Failure to inform and failure to fol-
Abortions	low up, complaint, 2:93
Interrogatories, 3:48	Health plans
Production of documents and	Complaint, 2:121
things, <b>3:232</b>	Interrogatories, 3:51
Amendment of complaint, 2:136,	Production of documents and things, <b>3:230</b>
2:137	HIV or infectious disease
Anesthesiologist, complaint, 2:122	Interrogatories, <b>3:46</b>
Cervical cancer treatment, interroga-	Post judgment interrogatories, <b>7:34</b>
tories, 3:50	Hospitals
Complaints Generally, <b>2:89 to 2:93, 2:120 to</b>	Complaints, above
2:123	Interrogatories, 3:43
Anesthesiologist, 2:122	Production of documents and
Consortium, loss of, <b>2:91</b>	things, <b>3:231</b>
Drug error, physicians, 2:92	Infectious disease/HIV
Failure to inform and failure to	Interrogatories, 3:46, 7:34
follow up, <b>2:93</b>	Post judgment interrogatories, 7:34
Health plan, 2:121	Infectious disease/HIV, trial brief, <b>6:5</b>
Hospitals	Instructions to jury, <b>6:191</b> , <b>6:192</b>
Generally, 2:120	Interrogatories
Failure to inform and failure to follow up, <b>2:93</b>	Generally, <b>3:43 to 3:51</b> Abortion, <b>3:48</b>
Pharmacist, drug error, <b>2:92</b>	Cervical cancer treatment, <b>3:50</b>
Physicians	Collection of assets, 7:35
Generally, 2:123	Dentist, <b>3:47</b>
Drug error, 2:92	Failure to inform/diagnose, 3:49
Failure to inform and failure to	Health plan, 3:51
follow up, <b>2:93</b>	Hospital, 3:43
Punitive damages, 2:90	Motions to compel
Consent, trial brief, <b>6:6</b>	Generally, 3:332
Consortium, loss of, complaint, 2:91	Prior lawsuits, 3:330
Dentists	Physician, 3:44
Interrogatories, <b>3:47</b>	Post judgment, infectious disease/
Production of documents and	HIV, <b>7:34</b>
things, <b>3:229</b>	Prior medical malpractice actions,
Depositions, this index	3:95
Discovery, checklist, <b>3:4</b>	Motions to compel. Interrogatories,
Drug error, physicians, complaint,	above
2:92	Physicians
Failure to diagnose or inform	Complaints, above
Interrogatories, 3:49	Interrogatories, 3:44 to 3:46

MEDICAL MALPRACTICE

Trial briefs, 6:17, 6:27

#### MATERIALS —Cont'd Physicians—Cont'd Interrogatories, authoritativeness, Production of documents and 3:108 things, 3:226 MEDICAL SERVICES AND Plastic surgeon, production of docu-**TREATMENT** ments and things, 3:228 Expert witnesses, expert evaluation, Pre-Trial Memorandum, this index 1:38, 1:39 Pre-Trial Preparation, this index In limine motions, gratuitous ser-Production of documents and things vices, 6:79 Generally, 3:226 to 3:234 MEDICAL TREATISES Abortion, **3:232** Trial briefs, 6:28 Dentist, 3:229 Failure to diagnose, 3:233 **MEMORANDUM** Health plan, 3:230 Pre-Trial Memorandum, this index HIV or infectious disease, 3:234 MENTAL EXAMINATIONS Hospital, **3:231** Discovery, this index Infectious disease/HIV, 3:234 Physician, 3:226 MERCHANDISE MANAGERS Plastic surgeon, 3:228 Evidence, 6:158 Surgeon, 3:227 MILITARY CLAIMS ACT Products liability, complaint, 2:39 United States, this index Punitive damages, complaint, 2:90 Request for admissions, 3:305, 3:306 **MINORS** Statutory notices, notice of intent to Children and Minors, this index file action, 1:35 MISNOMER Subsequent medical treatment result-Amendment of complaint, 2:184 ing in additional injury, trial brief, **6:13 MOBILE HOMES** Surgeon, production of documents Products Liability, this index and things, 3:227 **MORTALITY TABLES** Trial briefs Trial briefs, 6:16 Generally, 6:4 Consent, 6:6 **MOTOR VEHICLES** Infectious disease/HIV, 6:4 Automobiles and Other Motor Subsequent medical treatment Vehicles, this index resulting in additional injury, MULTIPLE DEFENDANTS 6:13 Voir dire. 6:143 Negotiation and Settlement, this index Wrongful death, amendment of complaint, 2:136, 2:137 NARRATIVE SETTLEMENT Generally, 4:10 MEDICAL RECORDS AND BILLS Case preparation, 1:15, 1:21, 1:22 NATIONAL ORIGIN Discovery, this index DISCRIMINATION In Limine Motions, this index Interrogatories, wrongful discharge,

MEDICAL RESEARCH

## NATIONAL ORIGIN DISCRIMINATION—Cont'd

Production of documents and things, constructive discharge, **3:268** 

## **NEGATIVE EVIDENCE**

In limine motions, 6:45

#### **NEGLIGENCE**

Agency/vicarious liability Complaint, **2:75** 

Instructions to jury, 6:179

Airplane lease, complaint, 2:70

Amendment of complaint, 2:138

Appeal and review, unincorporated associations, brief of plaintiff, 8:3

Appliances

Production of documents and things, **3:273** 

Request for admissions, 3:303

Automobiles and other motor vehicles

Bus operation, transit authority, 2:55

Collision, instructions to jury, **6:180** 

Guest passenger action against host, complaint, 2:113

Interrogatories, below

Operation and ownership, complaints, 2:54, 2:82

Production of documents and things, 3:245

Request for admissions, 3:311

Birth defects, drug-related, complaint, **2:114** 

Bus, operation of

Summary judgment, 5:35

Bus, operation of, transit associates

Production of documents and things, **3:246** 

Bus, operation of, transit authority Production of documents and

things, **3:246**Camp, negligent supervision

Complaint, 2:64

Interrogatories, 3:69

Chiropractor

Interrogatories, 3:68

#### NEGLIGENCE—Cont'd

Chiropractor—Cont'd

Production of documents and things, **3:251** 

City, gas explosion, request for admissions, **3:313** 

City, negligent supervision

Interrogatories, 3:72

Production of documents and things, **3:261** 

City employee, complaint, 2:59

Common carriers

Collision, trial briefs, 6:12

Complaint, 2:112

Complaints

Generally, **2:54 to 2:87, 2:112** 

Agency/vicarious liability, 2:75

Airplane, lease, 2:70

Auto guest passenger action against host, **2:113** 

Birth defects, drug-related, 2:114

Bus operation, transit authority, 2:55

Camp, negligent supervision, 2:64

City employee, 2:59

Common carrier, 2:112

Construction site, maintenance of, **2:79 to 2:81** 

Cooking school, negligent supervision, **2:67** 

Day care, negligent supervision, **2:68** 

Dog bite, 2:60

Electrocution, 2:72

Gas line, explosion due to improper marking, **2:74** 

Gross negligence

Punitive damages, 2:124

Successor liability, 2:125

Hazardous material, storage, 2:61

Health club, 2:83

Horse farm, 2:86

Hospital, vicarious liability, 2:115

Housing, uninhabitable, 2:57

Industrial accident, 2:58

Laboratory work, chemicals/ equipment accident, 2:88

NEGLIGENCE—Cont'd	NEGLIGENCE—Cont'd
Complaints—Cont'd	Corporations
Motor vehicle, operation and	Appliance, interrogatories, 3:84
ownership of, <b>2:54</b> , <b>2:82</b>	Duty of care, instructions to jury,
Negligent entrustment, 2:56	6:177
Negligent supervision, 2:116	Request for admissions, 3:303
Generally, <b>2:62 to 2:69</b>	Day care, negligent supervision
Camp, <b>2:64</b>	Complaint, 2:68
Cooking school, <b>2:67</b>	Interrogatories, 3:71
Day care, <b>2:68</b>	Production of documents and
Nursing home, 2:62	things, <b>3:259</b>
Parent - minor fight, 2:70	Department of Corrections
Premises liability and product	Summary judgment, <b>5:38</b>
liability, <b>2:66</b>	Department of Corrections, negligent
Psychiatric facility, 2:69	supervision
Rest Home, <b>2:63</b>	Interrogatories, 3:73
Swimming pool, 2:65	Discovery
Nursing home, negligent supervision, <b>2:62</b>	Bus, operation of, summary judgment, <b>5:35</b>
Parent - minor fight, negligent	Department of Corrections, sum-
supervision, 2:70	mary judgment, 5:38
Pharmacy, 2:78	Gas equipment and services, sum-
Propane gas explosion, 2:73	mary judgment, <b>5:36</b>
Psychiatric facility, negligent	Oversight, liability of parent
supervision, 2:69	company, summary judgment, 5:51
Punitive damages, gross	
negligence, 2:124	Dog bite
Soccer association, 2:87	Complaint, 2:60
Successor liability, gross	Request for admissions, <b>3:310</b>
negligence, 2:125	Duty of care. Instructions to jury, below
Swimming pool, negligent supervi-	
sion, <b>2:65</b>	Electrical wire, live, instructions to jury, <b>6:181</b>
Transplant organ infected from infected hamster, <b>2:77</b>	Electric companies
	Interrogatories, <b>3:78</b>
Work site, 2:76	Production of documents and
Complaints 2:80 to 2:82	things, 3:272
Complaints, 2:80 to 2:82	Electric utilities
Interrogatories, 3:56, 3:81	Production of documents and
Negligent maintenance, mediation, 4:27	things, 3:244
Premises liability, <b>3:82</b>	Request for admissions, 3:308
Production of documents and	Electrocution, complaint, 2:72
things, 3:253	Factory accident, 3:65, 3:249
Product liability, 3:83	Faulty wiring/carpet, trial briefs, <b>6:11</b>
Contractor, industrial accident, inter-	Gas equipment and services
rogatories, 3:64	Production of documents and
Cooking school, negligent supervi-	things, 3:275
sion, complaint, 2:67	Summary judgment, 5:36

NEGLIGENCE—Cont'd	NEGLIGENCE—Cont'd
Gas explosion, request for admis-	Instructions to jury—Cont'd
sions, <b>3:313</b>	Duty of care
Gas lines	Generally, <b>6:176 to 6:178</b> Corporations, <b>6:177</b>
Explosion due to improper mark-	Land owner, <b>6:178</b>
ing, complaint, <b>2:74</b> Interrogatories, fire service, <b>3:86</b>	Electrical wire, live, 6:181
Production of documents and	Land owner, duty of care, <b>6:178</b>
things, fire, 3:274	Vehicle collision, <b>6:180</b>
Government	Interrogatories
Interrogatories, <b>3:66</b>	Generally, 3:62 to 3:86
Production of documents and	•
things, 3:250	Camp, negligent supervision, 3:69
Gross negligence	Chiropractor, 3:68
Complaints, above	City, negligent supervision, <b>3:72</b>
Trial briefs, <b>6:14</b>	Construction site, negligent maintenance, <b>3:56, 3:81</b>
Hazardous material, storage, complaint, <b>2:61</b>	Contractor, industrial accident, <b>3:64</b>
Health club	Corporation, appliance, 3:84
Complaint, 2:83	Day care, negligent supervision,
Interrogatories, 3:79	3:71
Mediation summary, 4:30	Department of Corrections,
Production of documents and	negligent supervision, 3:73
things, <b>3:276</b>	Electric company, 3:78
Horse farm	Factory accident, 3:65
Complaint, 2:86	Gas line fire service, 3:86
Interrogatories, 3:76	Government, 3:66
Hospital, negligent supervision	Health club, 3:79
Interrogatories, 3:74	Horse farm, 3:76
Production of documents and things, <b>3:262</b>	Hospital, negligent supervision, <b>3:74</b>
Hospital, vicarious liability, com-	Motor vehicles
plaint, <b>2:115</b>	Operator, 3:62
Housing, uninhabitable, complaint,	Registered owner, 3:63
2:57	Negligent supervision
Industrial accidents	Camp, <b>3:69</b>
Complaint, 2:58	City, 3:72
Production of documents and things, <b>3:246</b>	Day care, 3:71
Request for admissions, <b>3:309</b>	Department of Corrections, 3:73
Industrial explosion, request for	Hospital, 3:74
admissions, 3:312	Police department, <b>3:75</b> School facility, <b>3:70</b>
Instructions to jury	Swimming pool, 3:80
Generally, <b>6:176 to 6:181</b>	Operator, motor vehicles, <b>3:62</b>
Agency, vicarious liability, thin	Police department, negligent
skull theory, <b>6:179</b>	supervision, 3:75
Corporations, duty of care, 6:177	Product liability, 3:82

NEGLIGENCE—Cont'd	NEGLIGENCE—Cont'd
Interrogatories—Cont'd	Production of documents and things
Registered owner, motor vehicles,	—Cont'd
3:63	Bus, operation of, transit associ-
School facility, negligent supervi-	ates, <b>3:246</b>
sion, <b>3:70</b> Slip and fall, <b>3:67</b>	Bus, operation of, transit authority, <b>3:246</b>
Soccer association, 3:77	Chiropractor, 3:251
Swimming pool, negligent supervi-	City, negligent supervision, 3:261
sion, <b>3:80</b>	Construction site, fall at, 3:253
Travel service, <b>3:85</b>	Construction site, negligent main-
Laboratory work, chemicals/	tenance, 3:253
equipment accident, complaint, 2:88	Day care center, negligent supervision, <b>3:259</b>
Land owner, duty of care, instruc-	Electric company, 3:272
tions to jury, <b>6:178</b>	Electric utility, 3:244
Mediation, defective snow tube, <b>4:24</b>	Gas equipment and services, 3:275
Medical Malpractice, this index	Gas line fire, 3:274
Motor vehicles. Automobiles and	Government, 3:250
other motor vehicles, above	Health club, <b>3:276</b>
Negligent entrustment, complaint, <b>2:56</b>	Hospital, negligent supervision, <b>3:262</b>
Negligent supervision	Industrial accident, 3:248
Complaints, above	Motor vehicle, operation of, 3:245
Interrogatories, above	Negligent supervision
Opposition to motion for judgment	Generally, 3:255 to 3:263
on the pleadings, plaintiff's	City, <b>3:261</b>
memorandum, 2:174	Day care center, 3:259
Production of documents and	Hospital, <b>3:262</b>
things, below	Police department, <b>3:263</b>
Nursing home, negligent supervision,	School facility, 3:255
complaint, 2:62	Swimming pool, <b>3:258</b>
Oversight, liability of parent	Travel services, <b>3:256</b>
company, summary judgment, <b>5:51</b>	Police department, negligent
Parent - minor fight, negligent	supervision, 3:263
supervision, complaint, 2:70	School facility, negligent supervi-
Pharmacy, complaint, 2:78	sion, <b>3:255</b>
Police department, negligent supervi-	Slip and fall, <b>3:252</b>
sion	Subpoena requiring production of
Interrogatories, 3:75	documents, 3:277
Police Department, negligent	Swimming pool, negligent supervi-
supervision	sion, <b>3:258</b>
Production of documents and	Travel services, negligent supervi-
things, 3:263	sion, 3:256
Production of documents and things	Propane gas explosion, complaint, 2:73
Generally, <b>3:244 to 3:254</b>	Psychiatric facility, negligent
Appliance, 3:273	supervision, complaint, <b>2:69</b>
rr	

Damages in excess of insurance

coverage, settlement letter, 4:8

#### NEGLIGENCE—Cont'd NEGLIGENCE—Cont'd Transplant organ infected from Punitive damages, gross negligence, complaint, 2:124 infected hamster, complaint, 2:77 Registered owner, motor vehicles, Travel services interrogatories, 3:63 Interrogatories, 3:85 Request for admissions Production of documents and Generally, 3:303 things, negligent supervision, Appliance, 3:303 3:256 City, gas explosion, 3:313 Trial briefs Corporation, 3:303 Generally, **6:11 to 6:14** Dog bite, **3:310** Common carrier collision, 6:12 Electric utility, 3:308 Faulty wiring/carpet, 6:11 Gas explosion, 3:313 Gross negligence, 6:14 Industrial accident, 3:309 Medical Malpractice, this index Industrial explosion, 3:312 Verdicts, special verdict questions, Motor vehicle accident, 3:311 6:199 Smoke alarm, property owner, Work site, complaint, 2:76 3:314 NEGLIGENT ENTRUSTMENT Swimming pool, property Complaint, 2:56 manager, 3:315 Rest Home, negligent supervision, **NEGLIGENT SUPERVISION** Negligence, this index School facility, negligent supervision NEGOTIATION AND Interrogatories, 3:70 SETTLEMENT Production of documents and Generally, 4:1 to 4:36 things, 3:255 Acceptance of offer, authorization, Slip and fall 4:16 Interrogatories, 3:67 Alternative dispute resolution, Production of documents and motion to enforce and allow things, 3:252 claim, 4:36 Smoke alarm, property owner, Approval of settlement request for admissions, 3:314 Joint petition for approval, 4:14 Soccer associations Minor, opposition to motion for Complaint, 2:87 reconsideration of modified motion concerning petition Interrogatories, 3:77 for approval of settlement, Successor liability, gross negligence, 4:18 complaint, 2:125 Plaintiff's assented to motion for Swimming pool, negligent superviapproval, 4:13 sion Arbitration, motor vehicle accident, Complaint, 2:65 4:32 Interrogatories, 3:80 Burn victims Production of documents and Psychiatrist's report on future of things, 3:258 victim, 4:3 Swimming pool, property manager, Settlement letter on behalf of request for admissions, 3:315 victim, **4:5**

6:179

Thin skull theory, instructions to jury,

NEGOTIATION AND SETTLEMENT—Cont'd Dismissal Generally, 4:33 to 4:36 Alternative dispute resolution, motion to enforce and allow	NEGOTIATION AND SETTLEMENT—Cont'd Settlement, generally, 4:4 to 4:20 Stipulation, dismissal, 4:33 Tolling agreement, dismissal, 4:35
claim, <b>4:36</b>	NET WORTH
Notice, <b>4:34</b>	In limine motions, <b>6:98</b>
Stipulation, <b>4:33</b> Tolling agreement, <b>4:35</b> Economist's report on replacement costs, <b>4:2</b> Enforcement of settlement, motion,	NEW TRIAL Collection of assets, opposition to motion, 7:16, 7:27 Post-Trial Motions, this index
4:20 In Limine Motions, this index	NONDESTRUCTIVE ANALYSIS
Insurance	Discovery, 3:443
Damages in excess of coverage, settlement letter, <b>4:8</b> Notice of unfair business claim, unreasonable failure to settle, <b>4:12</b> Settlement letter, <b>4:8</b> , <b>4:9</b> Joint petition for approval of settlement, <b>4:14</b> Mediation, this index  Memorandum of settlement, <b>4:11</b> Minor, opposition to motion for reconsideration of modified motion concerning petition for approval of settlement, <b>4:18</b> Multiple defendants  Agreement to release some	Motion for order, 2:202  Negotiation and Settlement, this index  Premises liability, notice of deposition, 3:123  Statutory Notices, this index  NURSING HOMES  Mediation, negligent supervision, 4:25  Negligent supervision, complaint, 2:62  OCCUPANT RESTRAINT SYSTEM  Products Liability, this index
defendants while reserving rights against other defendant,	OFFER OF PROOF
4:7 Settlement letter releasing one defendant, 4:6	Pre-trial memorandum, cancer misdiagnosed, <b>5:94</b> Pre-trial preparation, <b>5:9, 5:10</b>
Narrative settlement, 4:10	OFFICERS
Notice	Evidence, <b>6:154</b> , <b>6:157</b>
Dismissal, 4:34	•
Unfair business claim, unreasonable failure of insurer to	ONLINE DOCUMENTS
settle, <b>4:12</b>	In limine motions, purported release, <b>6:113</b>
Products liability, car seat manufacturer, <b>4:17</b>	"OPEN AND OBVIOUS" DEFENSE
Psychiatrist's report on future of burn	In limine motions, 6:108
victim, 4:3	
Rejection of offer, authorization, 4:15	OPENING STATEMENT
Relator's settlement challenge, 4:19	Trial, this index

## OPERATION UNDER THE INFLUENCE

In limine motions, 6:90

#### **ORAL ARGUMENT**

Appeal and review, interlocutory appeal, **8:9** 

## **OSHA REGULATIONS**

In limine motions, **6:43** 

#### **OUT-OF-STATE DEPOSITIONS**

Depositions, this index

## **OVERSIGHT**

Negligence, liability of parent company, summary judgment, 5:51

## PAIN AND SUFFERING

Complaint, damages, **2:129**In limine motions, **6:59**, **6:95**, **6:96** 

#### PAIN QUESTIONNAIRE

Case preparation, 1:4

## PAJAMA MANUFACTURER

Products liability, production of documents and things, **3:216** 

#### PALLET JACKS

Premises Liability, this index

#### PARENT COMPANY

Request for admissions, relationship between defendants, **3:321** 

#### PARKING LOT

Interrogatories, maintenance, 3:104

#### **PARTICULARITY**

Dismissal of complaint, 2:163

#### **PARTIES**

Amendment of Complaint, this index Class Actions, this index Intervention, this index

## PASSENGER SEAT/CARGO DOOR

Products liability, motor vehicle manufacturer, interrogatories, 3:28

## PATHOLOGY SLIDES

Discovery, motion to quash subpoena and deposition notice seeking production and removal, **3:459** 

## PEER REVIEW COMMITTEE PRIVILEGE

Discovery, opposition to petition for relief under, **3:434** 

## PERSONAL INJURY DATA

Case Preparation, this index

## PERSONAL JURISDICTION

Dismissal of complaint, 2:156

## PERSONAL KNOWLEDGE OR BIAS

Voir dire, **6:139** 

#### **PHARMACY**

Negligence, complaint, 2:78

## **PHOTOGRAPHS**

Discovery, motion to compel, **3:359** In Limine Motions, this index Products liability, inflatable rock wall, production of documents and things, **3:223** Trial briefs, **6:20** 

## PHYSICAL AND MEDICAL EXAMINATIONS

Discovery, this index

## PHYSICAL CONDITION OF DEFENDANT

Interrogatories, 3:91

## PHYSICIANS AND SURGEONS

Case preparation Records, 1:19 Reports, 1:20

Discovery, protective orders, 3:394 to 3:398

Evidence, **6:152** 

Medical Malpractice, this index Pre-trial memorandum, motion to quash subpoena, **5:87** 

#### PLASTIC SURGEON

Medical malpractice, production of documents and things, **3:228** 

#### **PLAYGROUNDS**

Case preparation, checklist, **1:29** Discovery, negligence, summary judgment, **5:48** 

Products liability, complaint, 2:34

# PLEADING RELATED MOTIONS

Generally, 2:151 to 2:205

Affirmative defenses, motion to strike, **2:197** 

Amendment of Answer, this index Attachment, motion for attachment and accompanying affidavit, 2:179

Automatic stay, motion for relief from, **2:193** 

Consolidation for purposes of discovery only and to revise tracking orders, joint motion, 2:205

Default motion, MCAD, 2:196

Frivolous lawsuit, motion for sanctions, **2:200** 

Intervention, opposition to motion for, 2:201

Joinder of parties needed for just adjudication, motion to compel, 2:175

Motion for leave to file second amended complaint, 2:188

Notice, motion for order of, 2:202

Process and Service of Process and Papers, this index

Pro hac vice, motion for admission to practice, **2:192** 

Remand of action from federal district court to state trial court, motion and memorandum, 2:191

Sequestration of plaintiff's husband during deposition, opposition to motion for, **2:199** 

Third-party defendant, Rule 14(a) claim of plaintiff against, 2:203

Transfer order, motion to revoke, **2:195** 

Venue, opposition to motion for change of, **2:198** 

# **PLUMBING**

Deposition, notice of, 3:139

#### POLICE

Deposition, notice of, 3:134

#### POLICE REPORT AND OPINION

In limine motions, hearsay, **6:46** 

# **POST-TRIAL MATTERS**

Generally, 7:1 to 7:35

Collection of Assets, this index Motions. Post-Trial Motions, this index

#### **POST-TRIAL MOTIONS**

Generally, 7:1 to 7:12

Additur, new trial, 7:5

Amendment of judgment, 7:9

Bill of costs, 7:11

Certification of question of law, 7:12

Clarification of judgment, 7:10

Damages, new trial, 7:5, 7:6

Judgment notwithstanding verdict, memorandum in opposition, **7:2** 

New trial

Generally, 7:3 to 7:8

Additur, 7:5

Damages, 7:5, 7:6

Memorandum, 7:4 to 7:6

Opposition to motion, 7:7, 7:8

Supporting brief, opposition to motion, **7:8** 

# PRELIMINARY INJUNCTION

Pre-trial memorandum, support, **5:92** Pre-trial preparation, motion, **5:16** 

# **PREMATURE**

Discovery, summary judgment, 5:46

#### PREMISES LIABILITY

Assault and battery, complaint, 2:47, 2:48

Building security, inadequate, production of documents and things, 3:237

Complaints

Generally, 2:47 to 2:53

Electrical system, defective, 2:53

Hotel, wrongful death, 2:49

Security breach/rape/assault and battery, **2:47**, **2:48** 

Slip and fall, 2:51, 2:109

PREMISES LIABILITY—Cont'd

#### Complaints—Cont'd Production of documents and things Storage of merchandise, danger-Generally, 3:235 to 3:241 ous, 2:52 Apartment complex, 3:241 Consumer Protection Act demand Building security, inadequate, letter, 1:33 3:237 Depositions Hazardous storage of merchandise, Franchise, control of franchisor 3:238 over franchisee, 3:183 Hospital, 3:236 Notice of deposition, 3:123 Hotel, wrongful death, 3:239 Security problem, knowledge of Pallet jack, operation of, 3:240 defendant regarding, 3:185 Structural soundness, 3:235 Standard of responsibility, knowl-Protective order regarding name and edge and understanding by information of rape victim and defendant of, 3:186 prior civil action, discovery, Discovery 3:391 Checklist. 3:5 Rape, complaint, 2:47, 2:48 Protective order regarding name Request for admissions and information of rape Franchisor, liability for rape and victim and prior civil action, murder in franchisee's 3:391 premises, **3:318** Electrical system, defective, com-Hazardous stacking of products, plaint, **2:53** 3:322 Franchises Hotel, wrongful death, 3:323 Deposition, control of franchisor Security breach, complaint, 2:47, over franchisee, 3:183 2:48 Rape and murder in franchisee's premises, request for admis-Security problem, knowledge of sions, **3:318** defendant regarding, deposition, 3:185 Hospital, production of documents and things, 3:236 Slip and fall, complaints, 2:51, 2:109 Hotel, wrongful death Standard of responsibility, knowledge Complaint, 2:49 and understanding by defendant Interrogatories, 3:54 of, depositions, 3:186 Production of documents and Storage of merchandise, dangerous things, 3:239 Complaint, 2:52 Request for admissions, **3:323** Interrogatories, 3:53 Instructions to jury, **6:193** Production of documents and Interrogatories things, 3:238 Generally, 3:52 to 3:55 Request for admissions, 3:322 Hotel, wrongful death, 3:54 Structural soundness, production of Pallet jack, operation of, 3:55 documents and things, 3:235 Storage of merchandise, danger-Trial briefs, defective store design, ous, **3:53** 6:15 Notice of deposition, **3:123** Wrongful death. Hotel, wrongful Pallet jack, operation death, above

PRENATAL HISTORY

Case preparation, 1:6

PREMISES LIABILITY—Cont'd

Interrogatories, 3:55

Production of documents and things, **3:240** 

#### PREPARATION OF CASE

Case Preparation, this index

# PRESCRIPTION DRUGS

Expert witnesses, opinion regarding failure to warn and instruct, 1:41 Products liability, trial briefs, 6:9

# PRESERVATION OF EVIDENCE

Case preparation, **1:25**Pre-trial preparation, joint agreement, **5:27** 

#### PRETRIAL JAIL DETAINEE

Deposition, motion for leave to take, 3:465

#### PRE-TRIAL MEMORANDUM

Generally, 5:59 to 5:104

Age discrimination, emergency motion to voluntarily dismiss all federal law claims, 5:72

Attorney's fees

Court authorization of fee division, application for, **5:67**, **5:73** 

Petition for allowance in excess of limitations set forth in rule, **5:66** 

Automatic stay

Motion for relief and for expedited determination and to limit service, **5:80** 

Stipulation of relief from stay regarding personal injury claim, **5:98** 

Bond, emergency motion to waive or reduce, **5:82**, **5:99** 

Civil litigation fee, motion to waive, **5:81** 

Continuance of trial, emergency motion, **5:76** 

Costs, opposition to compel parties to share, **5:93** 

Daubert motion, opposition to motion to exclude expert opinion that defendant caused plaintiff harm, 5:86

Death, suggestion of, 5:69

Exhibits, memorandum in support of opposition to motion to strike, **5:100** 

# PRE-TRIAL MEMORANDUM —Cont'd

Expert disclosure, opposition to motion to strike from pretrial memorandum, **5:103** 

Expert opinion, opposition to motion in limine to exclude and for Rule 104(a) hearing, **5:85** 

Expert report, opposition to motion to strike and preclude expert testimony, **5:104** 

Fraudulent transfer, petition to set aside. **5:68** 

Future medical expenses, joint memorandum, **5:65** 

Habeas corpus, petition for writ of, **5:71** 

Harm to plaintiff, opposition to Daubert motion to exclude expert opinion that defendant caused, **5:86** 

Joint memorandum

Life expectancy evidence and future medical expenses, **5:65** 

Multiple defendants, 5:63

Life expectancy evidence, joint memorandum, **5:65** 

Liquor and entertainment license, real estate attachment, **5:91** 

Medical malpractice

Generally, **5:62** 

Medical malpractice tribunal, below

Medical malpractice tribunal

Demand, motion to strike, 5:83

Findings, opposition to motion to vacate and to substitute panel physician, **5:84** 

Offer of proof, cancer misdiagnosed, **5:94** 

Physician, motion to quash subpoena of. **5:87** 

Plaintiffs memorandum, 5:60

Preliminary injunction, memorandum in support of, **5:92** 

Real estate attachment

Liquor and entertainment license, motion and supporting affidavit, **5:91** 

# PRE-TRIAL MEMORANDUM —Cont'd

Real estate attachment—Cont'd Motion and memorandum for approval, **5:90** 

Remand, motion to

Generally, 5:75

Procedural defect, 5:96

Supporting memorandum, 5:95

Remand of case back to state superior court, motion, **5:89** 

Sanctions, Rule 11 motion, 5:79

Spoliation of evidence, motion for sanctions, **5:70** 

Stay of proceedings pending issuance of transfer order, opposition to motion, **5:102** 

Subpoena, construction, 5:88

Temporary restraining order, memorandum in support of, **5:92** 

Tracking order deadlines, motion to enlarge, **5:74** 

Trial procedures, motion to adopt, **5:77** 

Venue, motion for transfer, **5:78**, **5:97**Withdraw, opposition to motion to, **5:101** 

#### PRE-TRIAL PREPARATION

Generally, 5:1 to 5:104

Automatic stay, memorandum in support of motion for relief from, 5:18

Bifurcation

Brief in opposition to motion, 5:3

Motion opposing bifurcation of liability and damages and exclusion of plaintiff from court room, 5:13

Plaintiff's opposition to motion for, **5:4** 

Choice of law, opposition to, **5:14** Civil litigation anniversary fee,

motion to waive or stay, **5:24** Confidentiality agreement, **5:19**, **5:20** 

Consolidation of cases, motion for, 5:22

Continuance of trial, motion for, 5:15

# PRE-TRIAL PREPARATION —Cont'd

Expert testimony

Brief in support of motion to preclude, **5:2** 

Reports, filing of, **5:5** 

Guardian ad litem

Motion for appointment, 5:6

Order for appointment, **5:7** 

In camera review of documents, motion for, **5:23** 

Medical malpractice tribunal

Continuance, motion for, 5:26

Opposition to defendant's request, 5:21

Motion and supporting affidavit for real estate attachment, **5:8** 

Offer of proof, 5:9, 5:10

Preliminary injunction, motion for, **5:16** 

Preservation of evidence, joint agreement, **5:27** 

Real estate attachment, motion and supporting affidavit, **5:8** 

Seal, motion to file documents under, 5.25

Set off, memorandum in support of position the defendant's damages are not entitled to, **5:17** 

Speedy trial, motion for, 5:11, 5:12

#### **PRIVILEGE**

Production of Documents and Things, this index

# PRIVILEGED INFORMATION

Discovery, protective orders, 3:386

#### PRIVILEGE LOG

Discovery, motion to compel, 3:344

# PROCESS AND SERVICE OF PROCESS AND PAPERS

Affidavit in compliance with Rule 4(f), 2:180

Complaints, this index

Dismissal of complaint, untimely service, 2:160

Memorandum in support of motion for order nunc pro tunc approv-

#### PROCESS AND SERVICE OF PRODUCTION OF DOCUMENTS PROCESS AND PAPERS AND THINGS—Cont'd Motions to compel—Cont'd —Cont'd ing service by registered mail, Committee minutes, **3:340** 2:204 Criminal files, 3:339 Department of Children and Fami-PRODUCTION OF DOCUMENTS lies records, 3:367 AND THINGS Deposition, documents identified Generally, 3:182 to 3:268 at, 3:345 Age discrimination, 3:265 Engineering information, Assault and battery, 3:264 relevance, 3:346 Committee minutes, motion to Further document responses and compel, 3:340 production, 3:463 Construction site, fall at, 3:254 HIPAA compliant medical Criminal files, motion to compel, authorizations and authoriza-3:339 tion for release of social secu-Department of Children and Families rity records, 3:378 records, motion to compel, Hospital standards and procedures, 3:367 3:343 Deposition, documents identified at, Medical and psychological 3:345 records, limited opposition to, Discrimination 3:382 Age, 3:265 Opposition to motion Massachusetts Commission Generally, 3:374 Against Discrimination, 3:266 Department of Children and National origin and sexual orienta-Families records, 3:367 tion, constructive discharge, HIPAA compliant medical 3:268 authorizations and authori-Engineering information, relevance, zation for release of social motion to compel, 3:346 security records, 3:378 Factory accidents, 3:249 Medical and psychological Further document responses and prorecords, 3:382 duction, motion to compel, Protective order, privileged 3:463 information, 3:386 Health club, 3:276 Psychiatric treatment records, HIPAA compliant medical authoriza-3:381 tions and authorization for Psychological evaluation release of social security records, 3:387 records, motion to compel, Reciprocal discovery, 3:366 3:378 State Department of Protective Hospital standards and procedures, and Regulatory Services, motion to compel, 3:343 fishing expedition, 3:376 Medical and psychological records, Travel agency, 3:364 limited opposition to motion to Work product doctrine, 3:365 compel, 3:382 X-ray films, 3:377 Medical Malpractice, this index Other complaints, 3:342 Motions to compel

Privilege

Generally, 3:344

Log, documents from, 3:357

Generally, 3:332 to 3:387, 3:353

Additional documents identified by witnesses in deposition, **3:335** 

# PRODUCTION OF DOCUMENTS AND THINGS—Cont'd

Motions to compel—Cont'd

Product alteration, packaging, testing and investigation, similar accidents, prior lawsuits, advertising, post-sale recall and warnings, **3:341** 

Product design, development and testing, other complaints, 3:336

Product testing, 3:334

Protective order, privileged information, **3:386** 

Psychiatric treatment records, 3:381

Psychological evaluation records, **3:387** 

Reciprocal discovery, 3:366

Recording, 3:363

Responsive unprivileged documents, **3:362** 

State Department of Protective and Regulatory Services, fishing expedition, **3:376** 

Transcript, 3:363

Work product doctrine, 3:365

X-ray films, **3:377** 

National origin discrimination, constructive discharge, **3:268** 

Negligence, this index

Premises Liability, this index

Privilege. Motions to compel, above

Product alteration, packaging, testing and investigation, similar accidents, prior lawsuits, advertising, post-sale recall and warnings, motion to compel, 3:341

Product design, development and testing, other complaints, motion to compel, **3:336** 

Products Liability, this index Product testing, motion to compel, 3:334

Protective order, privileged information, motion to compel, **3:386** 

Psychiatric treatment records, motion to compel, **3:381** 

# PRODUCTION OF DOCUMENTS AND THINGS—Cont'd

Psychological evaluation records, motion to compel, **3:387** 

Reciprocal discovery, motion to compel, **3:366** 

Recording, motion to compel, **3:363**Responsive unprivileged documents, motion to compel, **3:362** 

Sexual harassment, 3:267

Sexual orientation discrimination, constructive discharge, **3:268** 

State Department of Protective and Regulatory Services, fishing expedition, motion to compel, 3:376

Statutory Violations, this index Transcript, motion to compel, **3:363** 

Work product doctrine, motion to compel, **3:365** 

X-ray films, motion to compel, **3:377** 

# PRODUCT PERFORMANCE REPORT

In limine motions, **6:57** 

# PRODUCTS LIABILITY

Advertising material, production of documents and things, **3:210** 

Air guns

Complaint, 2:30

Interrogatories, 3:15

Production of documents and things, 3:209

Airplane manufacturer, production of documents and things, **3:192** 

Automobiles and other motor vehicles

Car seats, below

Complaints, below

Interrogatories, below

Motor vehicle restraint system, prior knowledge of defect, deposition, **3:177** 

Occupant restraint system, below

Snowmobiles, below

Vehicle roofs, below

Back injury, damages, trial brief, **6:36** 

Basketball net, complaint, 2:36

PRODUCTS LIABILITY—Cont'd	PRODUCTS LIABILITY—Cont'd
Bathrobe, flammable, complaint,	Complaints—Cont'd
2:44	Elevator, 2:23
Bath seats	Exercise equipment, 2:32
Complaint, 2:35	Flammable fabrics, <b>2:44, 2:101</b>
Interrogatories, 3:35	Gun, <b>2:37</b>
Production of documents and	Helium gas, 2:12
things, <b>3:219</b>	Herbal supplement, 2:38
Request for admissions, <b>3:296</b>	Industrial machine, 2:6
Bicycles	Intrauterine contraceptive device
Complaint, 2:26, 2:43	(IUD), <b>2:103</b>
Interrogatories, 3:32	Iron, <b>2:45</b>
Request for admissions, <b>3:290</b>	Jet ski, <b>2:20</b>
Birth control pills, complaint, 2:7	Lawnmower, 2:42
Book, complaint, 2:5	Machine, <b>2:104</b>
Bungee cord, interrogatories, <b>3:40</b>	Medical device, 2:27
Burn injury, damages, trial brief, <b>6:35</b>	Medical malpractice, 2:39
Car seats	Mobile home, gas leak, 2:102
Interrogatories, 3:39	Motor vehicles
Production of documents and	Generally, <b>2:16 to 2:18</b>
things, 3:201, 3:202	Car seat manufacturer, 2:18
Case preparation, checklist, 1:9, 1:28	Lap belt, <b>2:17</b>
Chemical hose, complaint, 2:46	Truck cab, <b>2:11</b>
Cigarette lighter manufacturer, inter-	New defendants, addition of, 2:50
rogatories, 3:25	Playground equipment, 2:34
Coffee urns	Safety device, 2:28
Interrogatories, 3:41	School trip, 2:30
Production of documents and	Snowmobile, 2:24
things, 3:224	Snow tube, <b>2:33</b>
Complaints Generally, <b>2:3 to 2:46, 2:101 to</b>	Steroid, illegal, 2:41
2:104	Swimming pool, above ground,
Air rifle, <b>2:30</b>	2:29
Basketball net, <b>2:36</b>	Toaster, 2:13
Bathrobe, flammable, <b>2:44</b>	Tool, 2:22
Bath seat, <b>2:35</b>	Toy, 2:3, 2:4
Bicycle, <b>2:26</b> , <b>2:43</b>	Travel agency school trip, 2:31
Birth control pills, 2:7	Uniform, flammable, 2:25
Book, <b>2:5</b>	Water heater, 2:40
Chemical hose, <b>2:46</b>	Wooden plank, 2:14
Container, 2:21	Consumer Product Information, this
Dietary supplement, 2:41	index
Drain cleaner, 2:19	Container, complaint, 2:21
•	Corporate admissions, instructions to
Drugs	jury, <b>6:188</b>
Generally, 2:8 to 2:10	Cribs
DES, 2:10	Interrogatories, 3:36
Weight loss, 2:9	Production of documents and
Electronic monitoring device. 2:15	things, <b>3:220</b>

PRODUCTS LIABILITY—Cont'd	PRODUCTS LIABILITY—Cont'd
Cribs—Cont'd	Elevators
Request for admissions, <b>3:298</b>	Complaint, 2:23
Damages. Trial briefs, below Depositions	Entrance way, design and maintenance defect, deposition, <b>3:179</b>
Design defects, generally, 3:176 to	Exercise equipment
3:179	Complaint, 2:32
Entrance way, design and mainte-	Interrogatories, 3:30
nance defect, 3:179	Production of documents and
Motor vehicle restraint system,	things, <b>3:213</b>
prior knowledge of defect, 3:177	Failure to warn, instructions to jury, <b>6:186</b>
Post-accident design change, <b>3:178</b>	Flammable fabrics
Dietary supplement, complaint, <b>2:41</b>	Complaint, <b>2:44</b> , <b>2:101</b>
Directed verdict, opposition to	Interrogatories, 3:17
motion, <b>6:169</b>	Request for admissions, <b>3:283</b>
Discovery	Gas company
Checklist, 3:3	Interrogatories, 3:18
Depositions, above	Production of documents and
Interrogatories, below	things, <b>3:211</b>
Production of documents and	Gas explosion, trial brief, <b>6:7</b>
things, below	Guns
Request for admissions, below	Air guns, above
Summary judgment	Complaint, 2:37
Generally, 5:49	Interrogatories, 3:32
Memorandum in support of	Production of documents and things, below
opposition and for preclu-	Helium gas, complaint, <b>2:12</b>
sion of experts, 5:40	Herbal supplements
Disposable cigarette lighter manufacturer, interrogatories,	Complaint, 2:38
3:25	Request for admissions, <b>3:297</b>
Drain cleaner	Industrial container
Complaint, 2:19	Production of documents and
Production of documents and	things, <b>3:215</b>
things, <b>3:207</b>	Industrial equipment
Request for admissions, <b>3:285</b>	Interrogatories, 3:42
Drugs	Production of documents and
Complaints, above	things, <b>3:225</b>
Interrogatories, <b>3:16</b>	Industrial machines
Weight loss drugs, below	Complaint, 2:6
Electric blanket manufacturer, pro-	Interrogatories, 3:11, 3:31
duction of documents and	Production of documents and
things, <b>3:196</b>	things, 3:214
Electronic monitoring devices	Industrial products
Complaint, 2:15	Interrogatories, 3:20
Interrogatories, 3:29	Request for admissions, <b>3:291</b>
Production of documents and	Instructions to jury
things, <b>3:205</b>	Generally, 6:182 to 6:189

PRODUCTS LIABILITY—Cont'd	PRODUCTS LIABILITY—Cont'd
Instructions to jury—Cont'd	Interrogatories—Cont'd
Corporate admissions, <b>6:188</b>	Sneakers, 3:38
Design defect, <b>6:182</b> , <b>6:183</b>	Stove company, 3:19
Failure to warn, <b>6:186</b>	Swimming pool manufacturer,
Marketing defect, <b>6:189</b>	3:13
Product research and testing, <b>6:184</b>	Toy manufacturer, 3:12
Toy, <b>6:187</b>	Transmission system, motor vehi-
Warnings and instructions, <b>6:185</b> ,	cle manufacturer, <b>3:26</b>
6:186	Vehicle fiberglass roof
Interrogatories	manufacturer, 3:23
Generally, 3:10 to 3:39	Weight loss drug, 3:34
Air gun manufacturer, 3:15	Intrauterine contraceptive devices
Bath seat, 3:35	Complaint, 2:103
Bicycle, 3:32	Production of documents and things, <b>3:190</b>
Bungee cord, 3:40	Iron, complaint, 2:45
Car seat manufacturer, 3:39	Jet ski, complaint, 2:20
Coffee urn, 3:41	Lawnmower, complaint, 2:42
Crib, <b>3:36</b>	Machines
Disposable cigarette lighter	Complaint, <b>2:104</b>
manufacturer, 3:25	Interrogatories, 3:24
Drug manufacturer, <b>3:16</b>	Marketing defect, instructions to jury
Electronic monitoring device manufacturer, <b>3:29</b>	6:189
Exercise equipment manufacturer,	Medical devices
3:30	Complaint, 2:27
Flammable fabrics manufacturer,	Interrogatories, 3:37
3:17	Request for admissions, <b>3:299</b>
Gas company, 3:18	Medical malpractice, complaint, 2:39
Gun, <b>3:33</b>	Mobile homes
Industrial container, 3:21	Complaint, gas leak, 2:102
Industrial equipment, <b>3:42</b>	Request for admissions, 3:282
Industrial machine manufacturer, 3:11, 3:31	Negotiation and settlement, car seat manufacturer, <b>4:17</b>
Industrial product manufacturer,	New defendants, addition of, 2:50
3:20	Occupant restraint system
Machine manufacturer, <b>3:24</b>	Interrogatories, 3:27
Medical device, 3:37	Production of documents and
Motor vehicle manufacturer	things, <b>3:200</b>
Occupant restraint system, 3:27	Pajama manufacturer, production of documents and things, <b>3:216</b>
Passenger seat/cargo door, 3:28	Passenger seat/cargo door, motor
Transmission system, 3:26	vehicle manufacturer, interroga-
Occupant restraint system, motor	tories, 3:28
vehicle manufacturer, 3:27	Photograph, inflatable rock wall, pro-
Passenger seat/cargo door, motor	duction of documents and
vehicle manufacturer, 3:28	things, <b>3:223</b>
Sledding tube, <b>3:14</b>	Playground equipment, complaint,
Smoke alarm manufacturer, 3:22	2:34

PRODUCTS LIABILITY—Cont'd	PRODUCTS LIABILITY—Cont'd
Post-accident design change, deposi-	Production of documents and things
tion, <b>3:178</b>	—Cont'd
Prescription drugs, trial briefs, <b>6:9</b>	Rock wall, inflatable
Product advertising material, produc-	Generally, 3:222
tion of documents and things,	Photograph, 3:223
3:210	Seatbelt manufacturer, 3:198
Production of documents and things	Sledding tube, <b>3:194</b>
Generally, <b>3:189 to 3:225</b>	Sneakers, 3:221
Air gun manufacturer, 3:209	Snowmobile manufacturer, <b>3:193</b>
Airplane manufacturer, 3:192	Swimming pool manufacturer,
Automobiles and other motor vehicles	3:208
	Tobacco company, 3:203
Car seat manufacturer, 3:201, 3:202	Toy manufacturer, 3:206
Design defect, <b>3:199</b>	Vehicle roof manufacturer, <b>3:204</b>
Occupant restraint system,	Water heater control manufacturer, 3:197
3:200	Weight loss drug, <b>3:218</b>
Seatbelt manufacturer, 3:198	Product research and testing, instruc-
Vehicle roof manufacturer,	tions to jury, <b>6:184</b>
3:204	Propane tank, request for admissions,
Bath seat, <b>3:219</b>	3:293
Car seat manufacturer, 3:201,	Punch press manufacturer, production
3:202	of documents and things, 3:195
Coffee urn, <b>3:224</b>	Request for admissions
Crib, <b>3:220</b>	Bath seat, <b>3:296</b>
Drain cleaner manufacturer, 3:207	Bicycle manufacturer, 3:290
Electric blanket manufacturer,	Crib, <b>3:298</b>
3:196	Flammable fabric manufacturer,
Electronic monitoring device	3:283
manufacturer, 3:205	Herbal supplement, 3:297
Elevator company, <b>3:212</b>	Household drain cleaner
Exercise equipment manufacturer, 3:213	manufacturer, 3:285
Gas company, <b>3:211</b>	Industrial product, 3:282
Gun manufacturer	Medical device, defective, 3:299
Generally, 3:217	Mobile home manufacturer, 3:282
Air gun, <b>3:209</b>	Motor vehicles
Industrial equipment, 3:225	Generally, 3:288
Industrial machine manufacturer,	Car door latch, defective, 3:301
3:214	Car seat, defective, 3:302
Intrauterine contraceptive device,	Propane tank, 3:293
3:190	Rock wall, inflatable, 3:300
Occupant restraint system, 3:200	Smoke alarm manufacturer, 3:286
Pajama manufacturer, 3:216	Snow tube, <b>3:294</b>
Photograph, inflatable rock wall,	Swimming pool filter
3:223	manufacturer, 3:287
Product advertising material, 3:210	Swimming pool manufacturer,
Punch press manufacturer, 3:195	3:281

PRODUCTS LIABILITY—Cont'd	PRODUCTS LIABILITY—Cont'd
Request for admissions—Cont'd	Tobacco company, production of
Tool manufacturer, <b>3:289</b>	documents and things, 3:203
Toy manufacturer, 3:279	Tools
Water heater control manufacturer,	Complaint, 2:22
3:284	Request for admissions, 3:289
Wood chipper, <b>3:295</b>	Toys
Research and testing, instructions to	Complaint, <b>2:3</b> , <b>2:4</b>
jury, <b>6:184</b>	Instructions to jury, 6:187
Rock wall	Interrogatories, 3:12
Production of documents and things, above	Production of documents and things, <b>3:206</b>
Request for admissions, <b>3:300</b>	Request for admissions, 3:279,
Safety device, complaint, 2:28	3:280
Seatbelt manufacturer, production of documents and things, <b>3:198</b>	Transmission system, motor vehicle manufacturer, interrogatories,
Sledding tubes	3:26
Interrogatories, 3:14	Trial, this index
Production of documents and	Trial briefs
things, <b>3:194</b>	Generally, <b>6:7 to 6:10</b>
Smoke alarms	Back injury, damages, 6:36
Interrogatories, 3:22	Burn injury, damages, 6:35
Request for admissions, <b>3:286</b>	Damages
Smoke detector, trial briefs, <b>6:10</b>	Back injury, <b>6:36</b>
Sneakers	Burn injury, <b>6:35</b>
Interrogatories, 3:38	Gas explosion, <b>6:7</b>
Production of documents and	Motor vehicle, <b>6:8</b>
things, <b>3:221</b>	Prescription drugs, <b>6:9</b>
Snowmobiles	Smoke detector, <b>6:10</b>
Complaint, 2:24	Uniform, flammable, complaint, 2:25
Production of documents and	Vehicle roofs
things, <b>3:193</b> Snow tubes	Interrogatories, 3:23
Complaint, 2:33	Production of documents and things, <b>3:204</b>
Request for admissions, <b>3:294</b>	Voir dire, attitudes toward reform
Steroid, illegal, complaint, 2:41	legislation, <b>6:144</b>
Stove company, interrogatories, 3:19	Warnings and instructions, instruc-
Summary judgment. Discovery, above	tions to jury, <b>6:185, 6:186</b> Water heaters
Swimming pools	Complaint, 2:40
Complaint, 2:29	Production of documents and
Interrogatories, 3:13	things, <b>3:197</b>
Production of documents and	Request for admissions, 3:284
things, <b>3:208</b>	Weight loss drugs
Request for admissions, 3:281,	Interrogatories, 3:34
3:287	Production of documents and
Toaster, complaint, 2:13	things, <b>3:218</b>

#### PRODUCTS LIABILITY—Cont'd

Wood chipper, request for admissions, **3:295** 

Wooden plank, complaint, 2:14

#### PRODUCT TESTING

In limine motions, **6:94** 

Production of documents and things, motion to compel, **3:334** 

# PRO HAC VICE

Admission to practice, motion for, **2:192** 

# PROPANE TANKS

Negligence, complaint, 2:73
Products liability, request for admissions, 3:293

# PROTECTIVE ORDERS

Discovery, this index

# PSYCHIATRIC FACILITY

Negligent supervision, complaint, 2:69

#### PSYCHIATRIC TREATMENT

In limine motions, 6:52

Medical and psychological records, limited opposition to motion to compel, **3:382** 

Production of documents and things, motion to compel, **3:381** 

# **PSYCHIATRIST'S REPORT**

Negotiation and settlement, future of burn victim, **4:3** 

# PSYCHOLOGICAL EVALUATION RECORDS

Production of documents and things, motion to compel, **3:387** 

#### **PSYCHOLOGICAL ISSUES**

Discovery, protective order regarding minor with, **3:403** 

#### PUNCH PRESS MANUFACTURER

Products liability, production of documents and things, **3:195** 

# **PUNITIVE DAMAGES**

Gross negligence, complaint, **2:124** In Limine Motions, this index

# PUNITIVE DAMAGES—Cont'd

Medical malpractice, complaint, 2:90

#### **OUESTIONNAIRES**

Case Preparation, this index

# **QUI TAM ACTION**

Mediation, relator's mediation brief, 4:28

#### RAILROAD CROSSING

Wrongful death, 2:106

#### RAPE

Premises liability, complaint, 2:47, 2:48

# REAL ESTATE ATTACHMENT

Pre-Trial Memorandum, this index Pre-trial preparation, motion and supporting affidavit, **5:8** 

# **RECALL**

In limine motions, 6:75

Interrogatories, product alteration, packaging, testing and investigation, similar accidents, prior lawsuits, advertising, post-sale recall and warnings, motion to compel, **3:341** 

Production of documents and things, product alteration, packaging, testing and investigation, similar accidents, prior lawsuits, advertising, post-sale recall and warnings, motion to compel, 3:341

# RECIPROCAL DISCOVERY

Production of documents and things, motion to compel, **3:366** 

#### RECREATIONAL USE STATUTE

Dismissal of complaint, 2:166

# REFERRAL ATTORNEY

Case preparation, checklist, 1:10

# REJECTION OF OFFER

Negotiation and settlement, authorization, **4:15** 

#### **RELEVANCE**

Discovery, preservation, protective orders, **3:389** 

#### RELIABILITY

In Limine Motions, this index

#### REMAND

Collection of assets, motion, **7:33**Federal district court to state trial court, motion and memorandum, **2:191** 

Pre-Trial Memorandum, this index

#### REMITTITUR

Collection of Assets, this index

#### REPAIR

Interrogatories, equipment, 3:102

#### **REPORTS**

Interrogatories, 3:97

# REQUEST FOR ADMISSIONS

Generally, 3:278 to 3:323
Dram shop, 3:319
Hospital, 3:307
Industrial container, 3:292
Medical malpractice, 3:305, 3:306
Negligence, this index
Parent company, relationship

between defendants, 3:321 Premises liability, First request, 3:316

Premises liability, second request, 3:317

Premises Liability, this index
Products Liability, this index
Refusal to admit facts, motion to
compel, 3:368
Spoliation of evidence, 3:320
Strike, opposition to motion to, 3:409

# RESEARCH AND TESTING

Depositions, this index
Discovery, opposition to motion to
perform, **3:423**Products liability, instructions to jury, **6:184** 

# Trial briefs, test reports, 6:19 RESPONSIVE UNPRIVILEGED DOCUMENTS

Production of documents and things, motion to compel, **3:362** 

#### RETALIATION

Mediation, 4:26

#### REVIEW

Appeal and Review, this index

#### **ROCK WALL**

Products Liability, this index

#### SAFETY DEVICES

Interrogatories, industrial machine, presence of, **3:101**Products liability, complaint, **2:28** 

# SAFETY STANDARDS AND CODES

Depositions, this index Trial briefs, **6:18** 

#### **SANCTIONS**

Depositions, **3:150**Discovery, this index
Pre-trial memorandum, Rule 11
motion, **5:79** 

#### SCHOOL FACILITIES

Negligence, this index

# SCHOOL RECORDS

Case preparation, authority to release information, 1:16
Trial briefs, 6:23

# **SCIENTIFIC ARTICLES**

Trial briefs, 6:22

# **SEAL**

Pre-trial preparation, motion to file documents under seal, **5:25** 

#### SEATBELT MANUFACTURER

Products liability, production of documents and things, **3:198** 

#### SECURITY BREACH

Premises liability, complaint, **2:47**, **2:48** 

# SECURITY PROBLEM

Premises liability, knowledge of defendant regarding, deposition, 3:185

#### **SEQUESTRATION**

Deposition, opposition to motion for sequestration of plaintiff's husband during, **2:199** 

# SERVICE OF PROCESS AND PAPERS

Process and Service of Process and Papers, this index

#### **SET OFF**

Pre-trial preparation, memorandum in support of position the defendant's damages are not entitled to set off, **5:17** 

# **SETTLEMENT**

Negotiation and Settlement, this index

#### SEXUAL HARASSMENT

Complaint, 2:126

Interrogatories, 3:88

Production of documents and things, 3:267

# SEXUAL ORIENTATION DISCRIMINATION

Interrogatories, wrongful discharge, **3:61** 

Production of documents and things, constructive discharge, **3:268** 

# SHIP COLLISIONS

Interrogatories, 3:107

#### SIMILAR ACCIDENTS

Interrogatories, product alteration, packaging, testing and investigation, similar accidents, prior lawsuits, advertising, post-sale recall and warnings, motion to compel, 3:341

Production of documents and things, product alteration, packaging, testing and investigation, similar accidents, prior lawsuits, advertising, post-sale recall and warnings, motion to compel, 3:341

# SIMULTANEOUS EXCHANGE OF INFORMATION

Deposition, motion to require as condition of taking, **3:143** 

#### SKYLIGHT INSTALLER

Interrogatories, 3:112

# **SLEDDING TUBES**

Products Liability, this index

#### SLIP AND FALL

Depositions, **3:184**Negligence, this index
Premises liability, complaints, **2:51**,

# 2:109 SMOKE ALARMS

Negligence, property owner, request for admissions, **3:314**Products Liability, this index

#### **SMOKE DETECTOR**

Products liability, trial briefs, 6:10

#### **SNEAKERS**

Products Liability, this index

#### **SNOWMOBILES**

Products Liability, this index

#### **SNOW TUBES**

Mediation, this index Products Liability, this index

#### SOCCER ASSOCIATIONS

Negligence, this index

#### SOCIAL MEDIA ACCOUNTS

Case preparation, 1:3

Discovery, opposition to motion to compel access, **3:461** 

# **SOCIAL SECURITY**

Motions to compel, opposition to HIPAA compliant medical authorizations and authorization for release of social security records, 3:378

# SPECIAL MASTERS

Discovery, review of document production, default motion, sanctions, 3:418

# SPECIAL VERDICT QUESTIONS

Verdicts, this index

#### SPEEDY TRIAL

Pre-trial preparation, motion, **5:11**, **5:12** 

#### SPOLIATION OF EVIDENCE

Appeal and review, brief of plaintiff, **8:4** 

Consumer Protection Act, demand letter under, 1:34

Discovery, this index

Pre-trial memorandum, motion for sanctions, **5:70** 

Request for admissions, 3:320

# STAIRWAY LADDER

Expert witnesses, report regarding defect, **1:42** 

#### STANDARD OF CARE

In limine motions, 6:128

# STATE DEPARTMENT OF PROTECTIVE AND REGULATORY SERVICES

Production of documents and things, fishing expedition, motion to compel, **3:376** 

# STATEMENT OF REASONS

Discovery, this index

# STATE POLICE DEPARTMENT

In limine motions, records, 6:105

#### **STATISTICS**

In limine motions, confusing and misleading, **6:47** 

# STATUTORY NOTICES

Case preparation, generally, **1:30 to 1:35** 

Consumer Protection Act demand letter

Control Act, 1:32

Evidence, destruction of, **1:34** Lead Poisoning Prevention and

Premises liability/security breach, 1:33

Evidence, destruction of, 1:34

Lead Poisoning Prevention and Control Act, **1:32** 

Medical malpractice, notice of intent to file action, 1:35

#### STATUTORY NOTICES—Cont'd

Premises liability/security breach, Consumer Protection Act demand letter, 1:33 Warranty, notice of breach, 1:31

# STATUTORY VIOLATIONS

Complaints

Generally, **2:94 to 2:96** Dram shop, **2:94, 2:95** 

Lead Poisoning Prevention and Control Act, **2:96** 

Wrongful death, dramshop, 2:95

Dram shop

Complaints, 2:94, 2:95

Discovery, joint opposition to summary judgment motion, **5:57** 

Interrogatories, 3:58

Production of documents and things, 3:243

Request for admissions, 3:319

Wrongful death, 2:95

Interrogatories

Dramshop, 3:58

Lead Poisoning Prevention and Control Act, **3:57** 

Lead Poisoning Prevention and Control Act

Complaints, 2:96

Interrogatories, 3:57

Production of documents and things, **3:242** 

Production of documents and things

Dram shop, 3:243

Lead poisoning, 3:242

Wrongful death, dramshop, complaint, **2:95** 

#### **STAYS**

Automatic Stay, this index Collection of Assets, this index Pre-trial memorandum, pending issuance of transfer order, opposition to motion, **5:102** 

#### **STEROIDS**

Products liability, illegal, complaint, 2:41

# **STIPULATIONS**

Depositions, 3:148

#### STIPULATIONS—Cont'd

Negotiation and settlement, dismissal, **4:33** 

#### STORAGE OF MERCHANDISE

Premises Liability, this index

#### STORE ENTRANCE

Interrogatories, control and maintenance, **3:105** 

#### STOVE COMPANY

Products liability, interrogatories, **3:19** 

#### STRICT LIABILITY

Verdicts, special verdict questions, **6:198** 

# STRIKE, MOTION TO

Discovery, this index

# STRUCTURAL SOUNDNESS

Premises liability, production of documents and things, **3:235** 

#### SUBPOENA DUCES TECUM

Discovery, opposition to motion to quash, **3:469** 

#### **SUBPOENAS**

Depositions, sanctions for refusal to attend or comply with subpoenas, **3:454** 

Depositions, subpoena to depose nonparty law firm and attorney, motion, **3:448** 

Discovery, motion to compel compliance, **3:358** 

Documents, subpoena requiring production of, **3:277** 

# SUBSEQUENT REMEDIAL MEASURES

In limine motions, 6:99, 6:124

# SUBSTANTIALLY SIMILAR PRODUCTS

Discovery, motion to compel, 3:349

#### SUBSTITUTION OF PARTIES

Amendment of Complaint, this index

# SUCCESSOR CORPORATIONS

Discovery, this index

# SUCCESSOR CORPORATIONS —Cont'd

Gross negligence, complaint, 2:125 Interrogatories, 3:114

# SUMMARY JUDGMENT

Generally, 5:28 to 5:58

Appeal and review, brief of plaintiff, **8:2** 

Attorney's affidavit, **5:44** 

Bus, operation of, 5:35

City's right to control and ambiguous release, **5:53** 

Contractor control over work and proximate cause, **5:56** 

Department of Corrections, summary judgment, **5:38** 

Discovery, this index

Dram shop, joint opposition to motion, **5:57** 

Dual persona doctrine, 5:47

Expert in support of motion, opposition to motion to strike affidavits of. **5:58** 

Gas equipment and services, 5:36

General Aviation Revitalization Act of 1994, **5:52** 

Good samaritan affirmative defense, 5:54

Government tort claims action, **5:28** Jurisdiction, **5:42**, **5:43** 

Manufacturer, opposition to motion and statement of reasons, **5:34** 

Memorandum in opposition, **5:40**, **5:41**, **5:55**, **5:56** 

Memorandum in opposition to travel agency's motion, **5:37** 

Negligence, bus, operation of, 5:35

Negligence, Department of Corrections, **5:38** 

Negligence, gas equipment and services, **5:36** 

Negligent oversight, liability of parent company, **5:51** 

Opposition to motion, **5:28 et seq.**, **5:31** 

Producr liability, 5:32

Opposition to motion, Product Liability, **5:33** 

# SUMMARY JUDGMENT—Cont'd

Partial summary judgment, opposition to, **5:29**, **5:55** 

Partial summary judgment, opposition to motion, **5:30** 

Playground maintenance, negligence, **5:48** 

Premature, 5:46

Products liability

Generally, 5:49

Memorandum in support of opposition and for preclusion of experts, **5:40** 

Products Liability, this index Spoliation of evidence, **5:50** 

Statement of reasons, **5:30**, **5:34 to 5:36** 

Successor corporation, liability of, 5:45

Torts, 5:39

# **SUPERSEDING CAUSES**

Instructions to jury, objection to instructions, **6:195** 

# **SURGEONS**

Physicians and Surgeons, this index

#### **SWIMMING POOLS**

Mediation, negligent supervision, **4:29** 

Negligence, this index Products Liability, this index

# TAX RETURNS

In limine motions, 6:80

# TECHNICAL ARTICLES

Trial briefs, 6:22

#### TECHNICAL EXPERT

Expert Witnesses, this index

# TELEPHONE DEPOSITIONS

Discovery, out-of-state plaintiffs, protective orders, **3:404** 

# TEMPORARY RESTRAINING ORDER

Pre-trial memorandum, support, 5:92

# **TESTS**

Research and Testing, this index

#### **THALIDOMIDE**

Military Claims Act, 2:144

# THIN SKULL THEORY

Negligence, instructions to jury, **6:179** 

# THIRD-PARTY DEFENDANT

Rule 14(a) claim of plaintiff, 2:203

#### **TOASTER**

Products liability, complaint, 2:13

# TOBACCO COMPANY

Products liability, production of documents and things, **3:203** 

# TOLLING AGREEMENT

Negotiation and settlement, dismissal, **4:35** 

#### **TOOLS**

Products Liability, this index

# TORTS, SUMMARY JUDGMENT, 5:39

#### TOWN POLICE DEPARTMENT

In limine motions, records, **6:105** 

#### TOYS

Products Liability, this index

#### TRACKING ORDER

Pre-trial memorandum, deadlines, motion to enlarge, **5:74** 

# TRANSFER ORDER

Motion to revoke, 2:195

#### TRANSIT AUTHORITY

Deposition, notice of, 3:130

# TRANSMISSION SYSTEM

Products liability, motor vehicle manufacturer, interrogatories, **3:26** 

# TRANSPLANT ORGANS

Negligence, infected from infected hamster, complaint, **2:77** 

# TRAVEL SERVICES

Amendment of complaint, negligence, 2:138

Deposition, notice of, 3:137

# TRAVEL SERVICES—Cont'd

Negligence, this index

#### TRIAL

Generally, 6:1 to 6:204

Certification of question of law, closing arguments, **6:167** 

Closing arguments

Generally, 6:164 to 6:167

Certification of question of law, motion, **6:167** 

Products liability, **6:165**, **6:166** 

Swimming pool, products liability, **6:166** 

Toy, products liability, **6:165** 

Demonstrative evidence, 6:2

Directed Verdict, this index

Hair dryer, products liability, opening statement, **6:147** 

In Limine Motions, this index

Instructions to Jury, this index

Opening statement

Generally, **6:146** 

Hair dryer, products liability, **6:147** 

Products liability

Closing arguments, **6:165**, **6:166** 

Opening statement, hair dryer, **6:147** 

Swimming pool, products liability, closing arguments, **6:166** 

Toy, products liability, closing arguments, **6:165** 

Trial Briefs, this index

Verdicts, this index

Voir Dire, this index

# TRIAL BRIEFS

Generally, 6:3 to 6:36

Admissibility of evidence, generally, **6:16 to 6:33** 

Catalog advertisements, 6:24

Damage evidence, 6:29

Deposition testimony

Former employee of defendant, **6:32** 

Taken in connection with another action, **6:33** 

Evidence, generally, 6:16 to 6:33

Expert testimony, 6:26

#### TRIAL BRIEFS—Cont'd

Former employee of defendant, deposition testimony, **6:32** 

Hospital records, 6:17

Infectious disease/HIV, medical malpractice, **6:5** 

Investigative reports, 6:21

Life tables, 6:16

Medical bills and expenses, 6:27

Medical Malpractice, this index

Medical records, 6:17

Medical treatises, 6:28

Mortality tables, 6:16

Negligence, this index

Other occurrences, 6:31

Other products, 6:25

Photographs, 6:20

Post-occurrence materials, 6:30

Premises liability/defective store design, **6:15** 

Pre-occurrence materials, 6:30

Products Liability, this index

Safety standards and codes, 6:18

School records, 6:23

Scientific articles, 6:22

Technical articles, 6:22

Test reports, 6:19

Warranty, 6:34

# TRUCK LIFT GATE

Mediation, 4:22

# **TRUST**

Interrogatories, 3:118

# **UNDUE HARDSHIP**

Discovery, protective orders, 3:390

#### UNFAIR SURPRISE

In limine motions, medical evidence, **6:48** 

#### **UNIFORM**

Products liability, flammable, complaint, **2:25** 

# UNINCORPORATED ASSOCIATIONS

Appeal and review, brief of plaintiff, **8:3** 

# UNITED STATES, CLAIMS AGAINST

Complaints, generally, **2:144 to 2:149** 

Electrocution, Military Claims Act, **2:146** 

Federal Aviation Agency personnel, Federal Tort Claims Act, **2:149** 

Federal Tort Claims Act

Generally, 2:147 to 2:149

Federal Aviation Agency personnel, negligence, **2:149** 

Marine Corps personnel, negligence, **2:148** 

Marine Corps personnel, Federal Tort Claims Act, **2:148** 

Military Claims Act

Generally, 2:144 to 2:149

Electrocution, military complaint letter, **2:146** 

Military complaint letter

Electrocution, 2:146

Thalidomide, 2:145

Thalidomide, military complaint letter, **2:145** 

Thalidomide, Military Claims Act, **2:145** 

#### VENUE

Opposition to motion for change, **2:198** 

Pre-trial memorandum, motion for transfer, **5:78**, **5:97** 

# VERDICTS

Generally, **6:196** to **6:205** 

Damages, verdict questions, 6:200

Directed Verdict, this index

Employee negligence, verdict questions, **6:201** 

Expert testimony, opposition to motion to preclude, **6:203** 

Interlocutory injunction, motion, 6:204

Interrogatories, 6:202

Intervention by insurance company, opposition to, **6:205** 

Negligence, special verdict questions, **6:199** 

#### VERDICTS—Cont'd

Special verdict questions

Generally, 6:197 to 6:199

Negligence, 6:199

Strict liability, 6:198

Strict liability, special verdict questions, **6:198** 

Verdict questions

Damages, amount of, 6:200

Employee negligence, **6:201** 

# VICARIOUS LIABILITY

Negligence, this index

#### **VOIR DIRE**

Generally, 6:134 to 6:145

Attorney conducted voir dire, motion, **6:137** 

Awards of large amounts, attitudes regarding, **6:140** 

Cause, motion to remove juror for, **6:145** 

Consumer protection attitudes, **6:141** Examination of jurors, motion for, **6:135** 

Insurance interests, 6:142

Medical malpractice, 6:143

Personal knowledge or bias, 6:139

Product liability reform, attitudes toward legislation, **6:144** 

Proposed areas of inquiry, **6:138** 

Request for voir dire, motion, **6:136** 

# WARNINGS AND INSTRUCTIONS

Depositions, this index

In limine motions, 6:97

Interrogatories, product alteration, packaging, testing and investigation, similar accidents, prior lawsuits, advertising, post-sale recall and warnings, motion to compel, 3:341

Production of documents and things, product alteration, packaging, testing and investigation, similar accidents, prior lawsuits, advertising, post-sale recall and warnings, motion to compel, 3:341

Products liability, instructions to jury, **6:185, 6:186** 

#### WARRANTIES

Instructions to jury, **6:174**Statutory notice of breach, **1:31**Trial briefs, **6:34** 

# WATER HEATERS

Products Liability, this index

#### **WEALTH**

Discovery, motion to compel, 3:360

#### WEIGHT LOSS DRUGS

Products Liability, this index

#### WITHDRAW

Pre-trial memorandum, opposition to motion, **5:101** 

#### WITNESSES

Interrogatories, 3:97

# WOOD BURNING STOVE

Mediation, 4:21

# WOOD CHIPPER

Products liability, request for admissions, **3:295** 

# WOODEN PLANK

Products liability, complaint, 2:14

#### WORK ORDERS

In limine motions, patent, former defendants and settlements, **6:83** 

# WORK PRODUCT DOCTRINE

Discovery, motion to compel, 3:440

#### WORK PRODUCT DOCTRINE

-Cont'd

Production of documents and things, motion to compel, **3:365** 

#### **WORK SITE**

Negligence, complaint, 2:76

#### WRONGFUL DEATH

Admiralty action, **2:108**Airplane accident, **2:107**Amendment of complaint, add party, **2:135** 

Amendment of complaint, medical malpractice, **2:136, 2:137**Complaints, generally, **2:84, 2:95**,

2:105 to 2:108

Dramshop, 2:95

Electrical wire, contact with, 2:105

Gas line fire, 2:85

Medical malpractice, amendment of complaint, **2:136**, **2:137** 

Premises Liability, this index

Railroad crossing, 2:106

Statutory violations, dramshop, complaint, **2:95** 

# WRONGFUL TERMINATION

Dismissal of complaint, jurisdiction, service of process, claims supported, 2:164

Interrogatories, 3:89

#### X-RAY FILMS

Production of documents and things, motion to compel, **3:377**