

# Index

## AMENDMENT OF COMPLAINT

Generally, **2:127**

Motion to

Addition of

Cause of action, **2:129**

Claims, **2:130**

Defendant, **2:131**

concealed information, **2:133**

medical malpractice, **2:132**

Defendant, new, **2:134**

Defendants, additional, **2:135**

Misnomer and additional  
defendants, **2:135**

Generally, **2:128**

Plaintiff's memorandum in sup-  
port, leave, **2:137**

Addition of

claim for wrongful death,  
**2:139**

party, **2:138**

Statement of reasons in support of,  
**2:136**

Substitute

Administrator for deceased  
plaintiff, **2:141**

Party plaintiff, assented to,  
**2:143**

Representative for deceased  
plaintiff, **2:142**

Substituted, **2:144**

Withdraw plaintiffs', assented to,  
amended complaint and rein-  
state plaintiffs' initial com-  
plaint, **2:140**

Substituted complaint, **2:142**

## ARBITRATION

Negotiation and settlement, this index

## CASE PREPARATION

Generally, **1:1 to 1:56**

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

## CASE PREPARATION—Cont'd

Abstract of hospital records, request  
for, **1:17**

Accident report, request for, **1:24**

Authorization to release information,  
generally, **1:14**

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 witness

Elevator, inspection protocol, **1:45**

Expert Witness, this index

Family medical history checklist, **1:5**

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

Lien checklist, **1:8**

Medical authorization form, **1:12**

Medical bills, request for, **1:21**

Medical records and bills, authority  
and request for, **1:22**

Medical records and bills, authoriza-  
tion and request for, **1:15**

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**

Authorization to release informa-  
tion, generally, **1:14**

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

Medical records and bills, author-  
ity and request for, **1:22**

Medical records and bills, authori-  
zation and request for, **1:15**

## **CASE PREPARATION—Cont'd**

- Personal injury data—Cont'd
  - 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**
  - 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**
- School records, authority to release information, **1:16**
- Statutory Notices, this index
- Vehicle regulatory agency report, request for, **1:26**

## **CLASS ACTIONS**

- Generally, **2:150**
- Brief in support of motion for class certification, **2:153**
- Class certification, motion for, **2:152**
- Complaint, **2:151**

## **CLIENT INTERVIEW**

- Case preparation, this index

## **CLOSING ARGUMENTS**

- Trial, this index

## **COLLECTION OF ASSETS**

- Post-trial matters, this index

## **COMPLAINTS**

- Amendment of complaint, this index
- Assault and battery, **2:107, 2:108**
- Choice of forum, **2:1**
- Consortium, loss of, **2:115**

## **COMPLAINTS—Cont'd**

- Federal diversity jurisdiction, **2:124**
- Fraud and misrepresentation in home sale, **2:113**
- Libel, **2:114**
- Long arm statute, **2:125**
- Massachusetts Commission Against Discrimination (MCAD), **2:95**
- Medical Malpractice, this index
- Negligence, this index
- Pain and suffering, **2:126**
- Premises Liability, this index
- Products Liability, this index
- Requisites, **2:2**
- Sexual harassment, **2:123**

## **CONFIDENTIALITY**

- Examination of witness
  - Opposition to motion to compel non-party's testimony in breach of, **6:149**
- Pre-trial preparation, **5:18**
- Pre-trial preparation, parties, **5:19**

## **CONSTRUCTION SITE**

- Negligence, complaint, **2:72**
- Unsafe work equipment, **2:76**
- Vehicle accident, **2:74**
- Wrongful death, **2:75**

## **CONSUMER PRODUCT INFORMATION**

- Case preparation
  - Generally, **1:46**
  - Request for
    - Enforcement actions, **1:51**
    - Freedom of Information Act, **1:52**
    - Information, **1:47**
    - Product defect notification, **1:50**
    - Summary of meetings, **1:49**
    - Victim identification, **1:48**
- Case preparation, generally, **1:45**

## **CROSS-EXAMINATION**

- Trail, this index

## **DEPOSITIONS**

- Generally, **3:117**

## INDEX

### DEPOSITIONS—Cont'd

- Audiovisual deposition, motion to take
  - Reconsideration to allow, opposition, **3:151**
- Commission to take deposition out of state, **3:152**
- Issuance take out-of-state deposition, motion for, **3:145**
- Letter rogatory
  - Application for, to take deposition outside state, **3:140**
  - Out-of-state school, **3:143**
  - School representative, **3:142**
  - Take deposition outside state, **3:141**
- Motion for sanctions for violations of Rule 30, **3:146**
- Motion to require simultaneous exchange of information, **3:139**
  - Condition of taking deposition, **3:139**
- Notice of
  - Car seat manufacturer, **3:123**
  - City, **3:128**
  - Construction company, **3:136**
  - Department of corrections, **3:129**
  - Fabric company, **3:118**
  - Gas dryer
    - Installer, **3:125**
    - Manufacturer, **3:124**
  - Gas service company, **3:132**
  - Hospital, **3:131, 3:134**
  - Medical device, **3:119**
  - Pallet jack, **3:127**
  - Plumbing, heating service company, **3:135**
  - Police Department, **3:130**
  - Premises liability, **3:120**
    - Container, **3:121**
  - Products liability, **3:122**
  - Transit authority, **3:126**
  - Travel service, **3:133**
- Opposition to motion for reconsideration of motion for leave to take, expert, **3:147**
- Opposition to motion to take expert depositions, **3:148**

### DEPOSITIONS—Cont'd

- Plaintiff's opposition to motion for leave to depose plaintiff's expert, **3:149**
- Renotice of, **3:137**
- Renotice of deposition
  - Health club, **3:138**
- Sanctions for violations, motion for, **3:146**
- Stipulations at outset, **3:144**

### DIRECTED VERDICT

- Trial, this index

### DIRECT EXAMINATION

- Trial, this index

### DISCOVERY MOTIONS

- Generally, **3:278**
- Bar taking of deposition immediately before scheduled date of trial, order for, **3:380**
- Compel, motions to
  - Compliance with records subpoena, **3:311**
- Continued deposition testimony and allow computer forensic inspection, **3:281**
- Defendant, plaintiff's memorandum reply to, plaintiff's motion for order compelling information and documents, **3:327**
- Deposition, **3:279**
  - Non-party witness, **3:280**
- Document production
  - Committee minutes, **3:296**
  - Criminal files, **3:295**
  - Documents identified at deposition, **3:299**
  - Hospital standards and procedures, **3:297**
  - Memorandum in support, **3:300**
  - Privilege, **3:298**
  - Product design, development and testing, other complaints, **3:294**
- Information and documents, **3:301**
  - Additional documents identified by witnesses in deposition, **3:303**

**DISCOVERY MOTIONS—Cont'd**

- Compel, motions to—Cont'd
  - Information and documents, **3:301**
    - Cont'd
    - Incomplete responses, **3:302**
    - Other accidents, **3:304**
  - Inspection, **3:306**
  - Inspection, responses to interrogatories, and requests for production of documents, **3:307**
  - Interrogatory answers, **3:282**
    - Jurisdiction
      - supporting memorandum, **3:287**
    - Prior lawsuits
      - brief in support of, **3:285**
    - Prior medical malpractice lawsuits
      - brief in support of, **3:286**
    - Product labeling and alteration
      - brief in support of, **3:283**
    - Product testing and inspection
      - brief in support of, **3:284**
  - Interrogatory answers and document production, **3:288**
  - Medical malpractice, **3:289**
  - Other complaints, **3:293**
  - Product alteration, packaging, testing, and investigation, **3:292**
  - Substantially similar products, **3:291**
  - Successor liability and time frame of requests, **3:290**
- Opposition to
  - Access IME, **3:323**
  - Access inspection of car, **3:322**
  - Access psychiatric examination, **3:324**
  - Access to social media accounts, **3:321**
  - Attendance at medical examination, partial, **3:330**
  - Compel physical and/or mental examination, **3:329**
  - Memorandum, physical examination outside presence of plaintiff's counsel, **3:331**

**DISCOVERY MOTIONS—Cont'd**

- Compel, motions to—Cont'd
  - Opposition to—Cont'd
    - Opposition to motion to compel psychological evaluation records, **3:334**
    - Proposed protocol for Rule 35 examination of plaintiff child, **3:325**
    - memorandum, **3:326**
    - Psychiatric treatment records, **3:332**
    - Records from state department of protective and regulatory services, **3:328**
    - Statutorily protected medical records, limited, **3:333**
- Opposition to, document production, **3:315**
  - Department of children and families records, **3:319**
  - products liability, **3:320**
- Reciprocal discovery, **3:318**
- Work product, **3:316**
- Work product doctrine, products liability, **3:317**
- Payment of expenses, **3:314**
- Privilege log, **3:305**
- Production of deponent, **3:312**
- Production of financial information, **3:310**
- Production of photographs, **3:309**
- Recording and or transcript, **3:313**
- Supplemental discovery responses, **3:308**
- Conduct further disassembly of subject product, memorandum in support of, **3:386**
- Default, motions to, **3:357**
  - Continued failure to produce documents, **3:358**
  - Brief in support, **3:359**
- Defendant's assented, to vacate default judgment, **3:365**
- Failure to plead or defend, **3:361**
- Failure to produce as promised, **3:357**
- Failure to produce documents, memorandum and order

## INDEX

### DISCOVERY MOTIONS—Cont'd

- Default, motions to, **3:357**—Cont'd
  - allowing motion, **3:366**
  - Memorandum in support of entry of judgment motion, **3:360**
  - Opposition to
    - Remove default, **3:363**
    - brief in, **3:364**
  - Spoliation, **3:362**
- Defer factual discovery until after case management conference, **3:385**
- Depose nonparty law firm and attorney, subpoena to, **3:390**
- Depose pre-trial jail detainee, **3:394**
- Enlarge time to respond to discovery request, **3:378**
- Expedited pretrial order, plaintiff's objection to, **3:384**
- Extend factual discovery deadline due to entry of new defendant, **3:400**
- Issuance of letters rogatory, **3:388**
- Joint motion, to be relieved from complying with current discovery schedule and to suspend trial date due to criminal prosecution of key witness, **3:396**
- Jury view, **3:398**
- Non-destructive analysis of product, **3:387**
- Obtain district attorney's file, memorandum, **3:381**
- Opposition to
  - Allowing destructive testing, **3:401**
  - Confidentiality order, memorandum in, **3:372**
  - Further discovery of expert witnesses, and to continue trial, **3:397**
  - Medical exam by non-physician, **3:393**
  - Perform tests, plaintiffs', **3:377**
  - Stay discovery, **3:391**
  - Stay discovery, Rule 12, limited, **3:392**
  - Strike admission requests, **3:374**

### DISCOVERY MOTIONS—Cont'd

- Order requiring district attorney to make files available, **3:382**
- Plaintiffs', extend Rule 35 protocol deadlines, **3:371**
- Preclude evidence of litigation costs, **3:395**
- Premises inspection, **3:399**
- Protective orders, for, **3:335**
  - Deposition locale, **3:335**
  - Minor, **3:336**
  - Mental health, **3:337**
- Opposition to, **3:339**
  - Confidentiality, **3:345**
  - Department of children and family records, **3:347**
- Deposition locale
  - memorandum in support, **3:340**
- Deposition locale, **3:339**
- Doctor, **3:346**
- Expert witness, **3:348**
- Name, information of rape victim in prior civil action in premises liability case, **3:343**
- Non-party doctor witness, **3:349**
- Statement of reasons, **3:350**
- Testimony, preservation of, **3:341**
- 11th hour delay tactic, **3:344**
- Undue hardship, **3:342**
- Stipulated
  - Protected and proprietary information, **3:351**
- Telephone depositions of out-of-state plaintiffs, **3:338**
- Quash, motions to
  - Depositions after discovery deadline, emergency, **3:355**
- Opposition to
  - Protective order, **3:353**
  - Subpoena and for protective order
    - expert witness deposition, **3:354**
- Subpoena and deposition notice
  - Pathology slides, **3:356**

## DISCOVERY MOTIONS—Cont'd

- Quash, motions to—Cont'd
  - Subpoena and for protective order, privileged information, memorandum, **3:352**
- Revoke stipulation limiting damages, **3:389**
- Sanctions, motions for, **3:367**
  - Attend previously scheduled depositions, refusal to, **3:368**
  - Comply with deposition subpoenas, refusal to, **3:368**
  - Failure to produce medical records, **3:369**
  - Noncompliance with court's discovery orders, **3:370**
- Shorten time to answer interrogatories, **3:379**
- Strike and for further answers to interrogatories, **3:373**
- Strike exhibit due to public records exception, **3:376**
- Strike liability reference in medical records, **3:375**
- Substitute experts, plaintiff's emergency, **3:383**

## DISMISSAL

- Negotiation and settlement, this index

## EMPLOYMENT

- Absence from employment, case preparation, request for dates, **1:23**
- Corporates, product identification
  - Cross examination, witness, **6:148**
- Employee negligence, verdict questions, **6:189**
- Trial briefs, former employee of defendant, deposition testimony, **6:32**
  - Admissibility of evidence, **6:33**

## EXAMINATION OF WITNESS

- Confidentiality, opposition to motion to compel non-party's testimony, breach of, **6:149**
- Cross examination
  - Corporate employee, product identification, **6:148**

## EXAMINATION OF WITNESS—Cont'd

- Cross-examination
  - Merchandise manager of defendant, **6:147**
  - Officer of defendant, **6:146**
  - Technical expert for defendant, **6:144**
- Direct examination
  - Incorporator of defendant, **6:142**
  - Plaintiff's physician, **6:141**
  - Plaintiff's technical expert, **6:140**
- Direct examination, plaintiff, **6:138**
- Expert witnesses
  - Causation and admissibility of testimony, memorandum of law, **6:152**
- Expert witnesses, opposition to motion to call, out of order, **6:150**
- Trial
  - Generally, **6:137**

## EXPERT WITNESS

- Admissibility of evidence, trial briefs, **6:27**
- Case preparation
  - Generally, **1:36**
- Elevator, inspection protocol, **1:45**
- Gas line fire, affidavit, **1:44**
- Liability expert, disclosure of, **1:43**
- Medical treatment, expert evaluation of, **1:38**
  - Amputation, **1:39**
  - Failure to warn and instruct on use of prescription drugs, **1:40**
- Prescription drugs, opinion regarding failure to warn and instruct, **1:40**
- Qualification checklist, **1:37**
- Stairway ladder, report regarding defect, **1:42**
- Deposition, opposition to motion to take, **3:148**
- Examination of witness
  - Causation and admissibility of testimony, memorandum of law, **6:152**

## INDEX

### EXPERT WITNESS—Cont'd

- Examination of witness—Cont'd
  - Defendant's medical expert, cross-examination, **6:145**
  - Defendant's technical expert, cross-examination, **6:144**
  - Exclusion, opposition to motion for, **6:151**
  - Out of order, opposition to motion to call, **6:150**
- Exclusion of expert testimony, **6:53**
- Exclusion of expert testimony, no foundation, not relevant, **6:53**
- Unreliable, **6:54**
  - Inadmissible hearsay, **6:57**
  - Memorandum, **6:56**
  - Standard of care, **6:55**
- Exclusion of testimony, discovery, **6:51**
  - Memorandum in support, **6:52**
- Gas line fire, affidavit, **1:44**
- Liability expert, disclosure of, **1:43**
- Limit expert testimony to matters in original expert report, **6:58**
- Medical expert, cross-examination, **6:156**
- Medical treatment, expert evaluation of
  - Amputation, **1:39**
  - Failure to warn and instruct on use of prescription drugs, **1:40**
- Medical treatment, expert evaluation of, **1:38**
- Memorandum
  - Exclusion of, opposition to motion in limine motions, **6:119**
- Opposition to motion, exclusion of testimony
  - In limine motions, **6:121**
- Opposition to motion to exclude
  - In limine motions, **6:118**
- Plaintiff's expert disclosure, opposition to motion to strike from pretrial memorandum
  - Limit testimony appropriate 30B disclosures, **5:90**
- Plaintiff's opposition to motion for leave to depose plaintiff's expert, **3:149**

### EXPERT WITNESS—Cont'd

- Prescription drugs, opinion regarding failure to warn and instruct, **1:40**
- Pretrial memorandum
  - Daubert motion, opposition to motion to exclude expert opinion that defendant caused plaintiff harm, **5:75**
  - Motion in limine to exclude and for Rule 104(a) hearing, opposition to, **5:74**
  - Plaintiff's expert disclosure, opposition to motion to strike, limit testimony appropriate 30B disclosures, **5:90**
- Qualification checklist, **1:37**
- Retrial memorandum
  - Harm to plaintiff, opposition to Daubert motion to exclude expert opinion that defendant caused, **5:75**
- Stairway ladder, report regarding defect, **1:42**
- Technical expert
  - Precomplaint report, **1:41**
- Technical expert, plaintiff's
  - Direct examination, **6:140**

### FEDERAL AVIATION AGENCY PERSONNEL

- Claims against united states
- Negligence complaint, **2:149**

### FEDERAL TORT CLAIMS ACT

- Claims against united states
- Actions under, **2:146**

### FORMAL DISCOVERY

- Generally, **3:1**
- Automobiles
  - Checklist, injury, **3:6**
- Checklists
  - Generally, **3:2**
  - Automobile injury, **3:6**
  - Medical malpractice, **3:4**
  - Premises liability, **3:5**
  - Products liability, **3:3**
- Depositions, this index
- Fed. R. Civ. P. Rule 26, initial disclosures under, **3:7**



**FORMAL DISCOVERY—Cont'd**

- Initial disclosures under Fed. R. Civ. P. Rule 26
  - Joint scheduling order, elevator company, **3:8**
- Interrogatories, this index
- Joint scheduling order, **3:10**
- Joint statement pursuant to local rule 16.1(D), **3:9**
- Medical malpractice, checklist, **3:4**
- Motions
  - Compel. Motions to Compel, below
  - Default motion, above
  - Depositions, this index
  - Motions to compel, below
  - Protective orders, below
  - Sanctions, below
  - Stay of discovery, below
  - Strike, motion to, below
  - Summary judgment, below
- Motions to compel
  - Depositions, this index
  - Interrogatories, this index
- Negligence, this index
- Premises Liability, this index
- Products Liability, this index
- Protective orders
  - Depositions, this index

**FORUM NON CONVENIENS**

- Motions to dismiss, pleading, **2:158**

**FREEDOM OF INFORMATION ACT**

- Consumer product information, for case preparation
  - Request, **1:52**

**FRIVOLOUS LAWSUIT**

- Sanctions, motion for
  - Pleadings, **2:185**

**GROSS NEGLIGENCE**

- Negligence, this index

**ILLUSTRATIVE APPELLATE REVIEW**

- Application for further appellate review, **8:6**

**ILLUSTRATIVE APPELLATE REVIEW—Cont'd**

- Brief of plaintiff
  - Generally, **8:1**
- Appellate
  - Collateral source income, **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**
- Interlocutory appeals
  - Generally, **8:7**
  - Motion and memorandum, **8:7**
  - Oral argument, request, **8:9**
  - Order, **8:8**
- Negligence and unincorporated associations, brief of plaintiff, **8:3**
- Spoliation, brief of plaintiff, **8:4**
- Summary judgment, brief of plaintiff, **8:2**
- Unincorporated associations, brief of plaintiff, **8:3**

**IN LIMINE MOTIONS**

- Generally, **6:37**
- Admissibility of defendant's insurance coverage, **6:70**
- Admission of day in the life video, **6:73**
- Collateral source benefits
  - Exclusion of expert testimony, no foundation, not relevant
  - Unreliable
    - memorandum, **6:56**
  - Prohibiting evidence of, **6:39**
- Collateral source benefits, preventing
  - Generally, **6:38**
- Economic testimony, **6:54**
- Evidence of product testing, **6:76, 6:78**
- Exclude admissibility of tax returns, **6:66**
- Exclusion of certain facts, **6:41**
- Immigrant status, **6:42**



## INDEX

### IN LIMINE MOTIONS—Cont'd

- Exclusion of certain facts, **6:41**
  - Cont'd
  - Lack of testing plaintiff for HIV by other physicians, **6:44**
  - Manner in which plaintiff became infected with HIV, **6:43**
- Exclusion of evidence, criminal activity, **6:75, 6:77**
- Exclusion of evidence associated with inspection, **6:71**
- Exclusion of evidence of OUI conviction, **6:74**
- Exclusion of evidence of subsequent remedial measures, **6:91**
- Exclusion of expert testimony, no foundation, not relevant, **6:53**
  - Inadmissible hearsay, **6:57**
  - Unreliable, **6:54**
    - Standard of care, **6:55**
- Exclusion of expert testimony discovery, **6:51**
- Exclusion of expert testimony discovery, memorandum in support, **6:52**
- Exclusion of expert witness, **6:90**
- Exclusion of medical records, **6:96**
- Exclusion of settlement and other claims, **6:59**
- Exclusion of work orders and patents, **6:69**
- Exclusions of irrelevant evidence in plaintiff's possession subsequent to occurrence, **6:45**
- Exclusions of negative evidence, **6:46**
- Exclusions of police report and opinion, hearsay, **6:47**
- Exclusions of statistics, **6:48**
- Expert witnesses
  - Generally, **6:60 to 6:65**
- Limit expert testimony, to matters in original expert report, **6:58**
- Marital difficulties, **6:94**
- Negligence
  - Precluding evidence regarding comparative, **6:79**
- Negligence, regarding comparative, precluding evidence and arguments, **6:79**

### IN LIMINE MOTIONS—Cont'd

- Opposition to motion
    - Generally, **6:97**
    - Alcohol and drug consumption and history, **6:108**
    - Codes and regulations, **6:109**
    - Conscious pain and suffering, dismissal of claims, **6:112**
    - Drug and alcohol history, **6:108**
    - Economic testimony, **6:101**
    - Evidence of life expectancy, conscious pain and suffering, **6:111**
    - Evidence of other accidents, **6:103**
    - Evidence of product recall, **6:106**
  - Exclusion of evidence
    - Related to gas check, **6:120**
  - Exclusion of expert testimony, **6:121**
  - Exclusion of expert witness, **6:118**
    - Memorandum, **6:119**
  - General size and position in marketplace, evidence as to, **6:122**
  - Hospital executive committee memorandum, **6:107**
  - Investigation report, public or business record, **6:110**
  - Medical records, **6:100**
  - Pain-and-suffering, **6:104**
  - Photographs, **6:105**
  - Preclude duplicative expert testimony, **6:117**
  - Pre-occurrence advertising, **6:98**
  - Product performance report, **6:102**
  - Psychiatric treatment, **6:99**
  - Punitive damages, net worth, **6:114**
  - Subsequent remedial measures, **6:115**
  - Warnings, **6:113**
- Photographs
- Opposition to motion, **6:105**
- Precluding admission of decedent's statement, **6:82**
- Precluding communications with attorneys, **6:93**
- Precluding evidence, alcohol and drug consumption, **6:62**

**IN LIMINE MOTIONS—Cont'd**

- Precluding evidence, bad character, **6:60**
- Precluding evidence, number of children in home, **6:89**
- Precluding evidence and arguments regarding comparative negligence, **6:79**
- Precluding evidence from alleged online document, purported release, **6:88**
- Precluding evidence of defendant's bankruptcy or financial health, **6:85**
- Precluding evidence of gratuitous medical services, **6:65**
- Precluding evidence of post-incident employment discipline, **6:83**
- Precluding evidence of prior criminal record, **6:64**
- Precluding evidence of standard of care, **6:95**
- Precluding hearsay testimony, **6:87**
- Precluding introduction of previous attorney's letter into evidence, **6:50**
- Precluding open and obvious defense, **6:84**
- Precluding reference to former defendants and settlements, **6:68**
- Precluding reference to prior claims, **6:72**
- Precluding reference to prior settlements, **6:63**
- Precluding state and town police department records, **6:81**
- Precluding statements in fire department report, **6:80**
- Prohibiting evidence, accident reconstruction expert, **6:67**
- Prohibiting evidence, contributory negligence and intervening cause, **6:61**
- Prohibiting evidence of settlement, **6:40**
- Settlements
  - Collateral source benefits, prohibiting evidence, **6:40**
- Strike deposition testimony, **6:86, 6:92**

**IN LIMINE MOTIONS—Cont'd**

- Undisclosed medical opinion, **6:49**

**INSTRUCTIONS TO JURY**

- Negligence, this index
- Products Liability, this index
- Trial, this index

**INSURANCE**

- In Limine Motions, this index
- Negotiation and Settlement, this index
- Voir dire, interests, **6:131**

**INTERLOCUTORY APPEALS**

- Appeal and Review, this index

**INTERROGATORIES**

- Generally, **3:11**
- Age discrimination, **3:83**
- Assets, **3:82**
- Authoritativeness of medical research materials, **3:105**
- Circumstances of
  - Automobile collision, **3:103**
  - Ship collision, **3:104**
- Contributory negligence or assumption of risk, **3:96**
- Control and maintenance of
  - Electric power lines and poles, **3:100**
  - Store entrance, **3:102**
- Corporate successor liability, **3:111**
- Damages from automobile collision, **3:114**
- Defendant's account of incident, **3:90**
- Discrimination
  - Age, **3:83**
  - Workplace, **3:84**
  - Wrongful discharge, **3:85**
- Discrimination and wrongful discharge, **3:85**
- Excerpts from, **3:88 to 3:116**
- Existence of liability insurance, **3:97**
- Experts to be called as witnesses, **3:112**
- Foam insulation installer liability, **3:110**
- History of
  - Complaints, **3:91**

## INDEX

### **INTERROGATORIES—Cont'd**

- History of—Cont'd
  - Medical malpractice actions, prior, **3:93**
  - Prior litigation, **3:92**
- Jurisdiction, **3:116**
- Knowledge of conditions, **3:94**
- Landlord liability; injury caused by stove, **3:106**
- Maintenance of parking lot, **3:101**
- Municipality and contractor liability; death of child on public playground, **3:108**
- Negligence
  - Factory accident, **3:64**
- Physical condition and health of defendant, **3:89**
- Presence of safety devices on industrial machine, **3:98**
- Products Liability, this index
- Receipt of required notice, **3:88**
- Repair and maintenance of equipment, **3:99**
- Sexual harassment, **3:86**
- Skylight installer liability, **3:109**
- Trust, **3:115**
- Use of experts, **3:113**
- Vehicle owner liability; injury caused by operator, **3:107**
- Witnesses and reports, **3:95**
- Workplace discrimination, **3:84**
- Wrongful termination, **3:87**

### **LEAD POISONING PREVENTION AND CONTROL ACT**

- Statutory Violations, this index

### **LETTER ROGATORY**

- Depositions, this index

### **LETTERS OF CREDIT**

- Collection of assets, opposition to motion to substitute for supersedeas bond, **7:23**

### **LIBEL**

- Complaint, **2:114**

### **LIENS**

- Case preparation, checklist, **1:8**

### **LIFE EXPECTANCY**

- Evidence of, in limine motions, opposition to, **6:111**

### **LONG ARM STATUTE**

- Complaint, **2:125**

### **MARINE CORPS PERSONNEL**

- Claims against united states
- Negligence complaint, **2:148**

### **MARKETING**

- Defect, products liability, instructions to jury, **6:177**

### **MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION (MCAD)**

- Complaint, **2:95**
- Default motion, pleadings, **2:181**

### **MASSACHUSETTS TORT CLAIMS ACT**

- Motions to dismiss, pleading, **2:165**

### **MEDIATION**

- Negotiation and Settlement, this index

### **MEDICAL DEVICES**

- Products Liability, this index

### **MEDICAL MALPRACTICE**

- Anesthesiologist, complaint, **2:119**
- Baby, loss of, complaint due to negligence, **2:86**
- Calculation of damages, instructions to jury, **6:180**
- Collection of assets
  - Post judgment
    - Interrogatories in aid of execution of judgment, **7:32**
    - Requests for production of documents in aid of execution of judgment, **7:32**
- Complaint due to negligence
  - Drug error
    - Death, **2:88**
- Complaints
  - Anesthesiologist, **2:119**
  - Health plan, **2:118**

## **MEDICAL MALPRACTICE**

### **—Cont'd**

- Complaints—Cont'd
  - Hospitals
    - Generally, **2:116**
    - Birth injury, **2:117**
  - Physicians, **2:120**
- Complaints due to negligence
  - Baby, loss of, **2:86**
  - Drug error, **2:87**
  - Failure to inform and failure to follow up, **2:89**
- Complaints due to negligence
  - Generally, **2:84**
  - Punitive damages, **2:85**
- Consent, trial briefs, **6:7**
- Discovery, checklist, **3:4**
- Drug error, complaint due to negligence, **2:87**
- Death, **2:88**
- Failure to inform and failure to follow up, complaint due to negligence, **2:89**
- HIV, trial briefs, **6:6**
- Instructions to jury, **6:179**
- Interrogatories
  - Generally, **3:42**
- Punitive damages, complaint due to negligence, **2:85**
- Statutory notices, notice of intent to file action, **1:35**
- Subsequent medical treatment resulting in additional injury, trial briefs, **6:14**
- Trial briefs
  - Generally, **6:4**
  - Consent, **6:7**
- Voir dire, **6:132**

## **MEDICAL RECORDS AND BILLS**

- Admissibility of evidence, trial briefs, **6:28**
- Case preparation, **1:22**
  - Authorization to release, **1:15**
  - Request for, **1:21**
- Opposition to motion
  - In limine motions, **6:100, 6:116**

## **MEDICAL SERVICES AND TREATMENT**

- Case preparation
- Expert witnesses, evaluation, **1:38**

## **MEDICAL TREATISES**

- Admissibility of evidence, trial briefs, **6:29**

## **MILITARY CLAIMS ACT**

- Claims against united states
- Actions under, **2:145**

## **MORTALITY LIFE TABLES**

- Admissibility of evidence, trial briefs, **6:17**

## **MOTIONS RELATED TO SERVICE, PLEADING**

- Affidavit, in compliance with Rule 4(f), **2:173**
- Defendant, identity unknown, **2:172**
- Foreign country
  - Extension of time, **2:171**
- Memorandum in support of plaintiff, for issuance of order nunc pro tunc approving service on defendant by registered mail, **2:174**
- Alternative, to allow plaintiffs to re-serve, **2:174**

## **MOTIONS TO DISMISS, PLEADING**

- Opposition
  - Generally, **2:154**
  - Complaint, amended, **2:169**
  - Facts substantiate plaintiff's claim, **2:162**
- Forum non conveniens, **2:158**
  - Death from negligent automobile servicing, **2:159**
  - Service, untimely, **2:160**
- Jurisdiction, lack of, **2:154**
  - Discovery, **2:157**
  - Long arm statute, **2:155**
  - Personal, **2:156**
- Mass. Tort Claims Act, **2:165**

## INDEX

### **MOTIONS TO DISMISS, PLEADING—Cont'd**

- Opposition—Cont'd
  - Motion to dismiss, Cross motion to strike exhibit in defendant's, **2:161**
  - Particularity sufficient, **2:163**
  - Plaintiffs' memorandum in support, **2:170**
  - Recreational use statute, **2:166**
  - Rule 14 complaint, **2:168**
  - Wrongful termination, **2:164**

### **NEGATIVE EVIDENCE**

- In limine motions, exclusions, **6:46**

### **NEGLIGENCE**

- Agency, vicarious liability, thin skull theory
  - Instructions to jury, **6:167**
- Airplane lease, complaint of, **2:68**
- Automobile
  - Operation, **2:110**
- Birth defects, drug-related, complaint, **2:111**
- Bus, operation of
  - Summary judgment, for pre-trial preparation, **5:32**
- Camp, negligent supervision
  - Complaint, **2:62**
- City employee, complaint, **2:57**
- Common carriers
  - Complaint, **2:109**
- Common carriers collision, trial briefs, **6:13**
- Complaints
  - Airplane, lease, **2:68**
  - Birth defects, drug-related, **2:111**
  - Bus operation, **2:53**
  - Camp, negligent supervision, **2:62**
  - City employee, **2:57**
  - Common carrier, **2:109**
  - Construction site, **2:72**
    - Maintenance of, **2:73**
    - Unsafe work equipment, **2:76**
    - Vehicle accident, **2:74**
    - Wrongful death, **2:75**
  - Cooking school, **2:65**
  - Day care, **2:66**

### **NEGLIGENCE—Cont'd**

- Complaints—Cont'd
  - Dog bite, **2:58**
  - Dram shop, **2:92**
    - Wrongful death, **2:93**
  - Electrocution at job site, **2:69**
  - Gas line, explosion due to improper marking, **2:71**
  - Gas line, maintenance of, **2:80**
  - Gross negligence, **2:121**
    - Punitive damages, **2:121**
    - Successor liability, **2:122**
  - Hazardous material, storage, **2:59**
  - Health club, **2:79**
  - Horse farm, **2:81**
  - Housing, uninhabitable, **2:55**
  - Industrial accident, **2:56**
  - Laboratory work, chemicals accident, **2:83**
  - Lead Poisoning Prevention and Control Act, **2:94**
  - Motor vehicle
    - Ownership, **2:77**
      - vicarious liability, **2:78**
  - Motor vehicle, operation of, **2:52**
  - Negligent entrustment, **2:54**
  - Negligent supervision, **2:112**
    - Camp, **2:62**
      - Minor by parent, **2:64**
    - Nursing home, **2:60**
    - Rest home, **2:61**
    - Swimming pool, **2:63**
  - Nursing home, negligent supervision, **2:60**
  - Propane gas explosion, **2:70**
  - Psychiatric facility, **2:67**
  - Punitive damages, gross negligence, **2:121**
  - Soccer association, **2:82**
  - Successor liability, gross negligence, **2:122**
  - Swimming pool, negligent supervision, **2:63**
- Construction site
  - Maintenance of, **2:73**
  - Unsafe work equipment, **2:76**
  - Vehicle accident, **2:74**
  - Wrongful death, **2:75**

**NEGLIGENCE—Cont'd**

- Construction site, complaint, **2:72**
- Cooking school, negligent, complaint, **2:65**
- Corporations
  - Duty of care, instructions to jury, **6:165**
- Day care
  - Complaint, **2:66**
- Dog bite
  - Complaint, **2:58**
- Dram shop
  - Complaints, **2:92**
- Dram shop, wrongful death
  - Complaints, **2:93**
- Electrocution at job site, complaint, **2:69**
- Gas line, maintenance of, complaint, **2:80**
- Gas lines
  - Explosion due to improper marking, complaint, **2:71**
- Hazardous material, storage, complaint, **2:59**
- Health club
  - Complaint, **2:79**
  - Mediation
    - Negotiation and settlement, **4:28**
- Horse farm
  - Complaint, **2:81**
- Housing, uninhabitable, complaint, **2:55**
- Industrial accidents
  - Complaint, **2:56**
- Instructions to jury
  - Vehicle collision, **6:168**
- Instructions to jury
  - Duty of care, **6:164**
- Interrogatories
  - Accident
    - Horse farm, **3:75**
  - Appliance, **3:79**
  - Construction site, maintenance of, **3:57**
  - Hole, **3:58**
  - Electric company, **3:77**
  - Factory accident, **3:64**
  - Gas line fire service, **3:81**

**NEGLIGENCE—Cont'd**

- Interrogatories—Cont'd
  - Health club, **3:78**
  - Medical emergency at soccer association sponsored tournament, **3:76**
  - Medical malpractice
    - Health plan, **3:56**
    - Physician, **3:48**
    - Abortion, **3:53**
    - Infectious Disease/HIV, **3:49**
    - Infectious Disease/HIV, second set, **3:50**
  - Motor vehicle, operation of, **3:61**
  - Registered owner, **3:62**
  - Negligent supervision by
    - Camp, **3:67**
    - swimming pool, **3:69**
  - City, **3:71**
  - Day care, **3:70**
  - Department of corrections, **3:72**
  - Hospital, **3:73**
  - Police department, **3:74**
  - School facility, **3:68**
  - Negligent supervision of
    - Sex offender parolee, **3:65**
  - Slip and fall, **3:66**
  - Statutory violation of Lead Poisoning Prevention and Control Act, **3:59**
  - Travel service for high school trip, **3:80**
- Interrogatories
  - Chiropractic, **3:55**
  - Construction site, maintenance of, **3:57**
  - Hole, **3:58**
  - Industrial accident, **3:63**
  - Medical malpractice
    - Dentist, **3:54**
    - Hospital, **3:47**
    - Physician, **3:48**
    - Abortion, **3:53**
    - Cervical cancer treatment, **3:52**
    - Failure to inform and diagnose, **3:51**
    - Infectious Disease/HIV, **3:49**

## INDEX

### NEGLIGENCE—Cont'd

- Interrogatories—Cont'd
  - Statutory violation of dram shop laws, **3:60**
- Laboratory work, chemicals accident, complaint, **2:83**
- Land owner, duty of care, instructions to jury, **6:166**
- Lead Poisoning Prevention and Control Act
  - Complaints, **2:94**
- Live electrical wire, instructions to jury, **6:169**
- Mediation, negotiation and settlement, **4:23**
- Medical malpractice
  - Hospital, **3:47**
- Medical malpractice,, subsequent medical treatment resulting in additional injury
  - Trial briefs, **6:14**
- Minor by parent, negligent supervision, **2:64**
- Motor vehicles
  - Bus operation, **2:53**
  - Operation of, **2:52**
  - Ownership, complaints
    - Vicarious liability, **2:78**
- Negligent entrustment, complaint, **2:54**
- Negotiation and settlement
  - Mediation
    - Construction sites, maintenance, **4:26**
- Nursing home, negligent supervision, complaint, **2:60**
- Prohibiting evidence pertaining to contributory negligence, intervening cause
  - Limine motions, **6:61**
- Propane gas explosion, complaint, **2:70**
- Psychiatric facility, complaint, **2:67**
- Punitive damages, gross negligence, complaint, **2:121**
- Requests for admissions
  - Dog bite, **3:271**
  - Dram shop, **3:277**
  - Electric utility, **3:269**

### NEGLIGENCE—Cont'd

- Requests for admissions—Cont'd
  - Gas explosion; City, **3:274**
  - Hospital, **3:268**
  - Industrial accident, **3:270**
  - Industrial explosion, **3:273**
  - Medical malpractice, **3:267**
  - Motor vehicle accident, **3:272**
  - Property manager; swimming pool death, **3:276**
  - Property owner; defective smoke alarm, **3:275**
- Requests to produce
  - Accident
    - Factory, **3:211**
    - Horse farm, **3:224**
    - Industrial, **3:210**
  - Appliance, **3:227**
  - Bus by transit authority, operation of, **3:208**
    - Associates, **3:209**
  - Chiropractic malpractice, **3:203**
  - Dram shop, **3:205**
  - Electric company, **3:226**
  - Electric utility, **3:206**
  - Fall at construction site, **3:215**
  - Gas equipment and services, **3:229**
  - Gas line fire service, **3:228**
  - Health club, **3:230**
  - Lead poisoning, **3:204**
  - Medical emergency at soccer association sponsored tournament, **3:225**
- Medical malpractice
  - Abortion, **3:200**
  - Dentist, **3:197**
  - Failure to diagnose, **3:201**
  - Health plan, **3:198**
  - Hospital, **3:199**
  - Physician, **3:194**
  - Physician's failure to diagnose
    - Infectious disease/HIV, **3:202**
  - Plastic surgeon, **3:196**
  - Surgeon, **3:195**
- Motor vehicle, operation of, **3:207**
- Negligent maintenance of construction site, **3:214**



## **NEGLIGENCE—Cont'd**

### **Requests to produce—Cont'd**

#### **Negligent supervision at**

Camp swimming pool, **3:219**

Daycare center, **3:220**

School facility, **3:216**

#### **Negligent supervision by**

City, **3:221**

Hospital, **3:222**

Police department, **3:223**

Travel service for high school trip, **3:217**

Second request, **3:218**

#### **Negligent supervision of sex offender parolee, 3:212**

Slip and fall, **3:213**

Rest home, negligent supervision, **2:61**

#### **Soccer associations**

Complaint, **2:82**

#### **Statutory violation of**

Dram shop laws, **3:60**

Lead Poisoning Prevention and Control Act, **3:59**

Successor liability, gross negligence, complaint, **2:122**

Swimming pool, negligent supervision

Complaint, **2:63**

Trial briefs, **6:12**

Faulty wiring, improper carpet installation, **6:12**

Verdicts, special verdict questions, **6:187**

## **NEGLIGENT ENTRUSTMENT**

Complaint, **2:54**

## **NEGLIGENT SUPERVISION**

Negligence, this index

## **NEGOTIATION AND SETTLEMENT**

Generally, **4:1**

Acceptance of offer, authorization, **4:12**

Agreement to release some defendants while reserving rights against other defendant, **4:13**

## **NEGOTIATION AND**

### **SETTLEMENT—Cont'd**

#### **Approval of settlement**

Joint petition for approval, **4:17**

Minor, opposition to motion for reconsideration of modified motion concerning petition for, **4:18**

Plaintiff's assented to motion for approval, **4:15**

Products liability, **4:16**

Arbitration, motor vehicle accident, **4:30**

#### **Burn victims**

Psychiatrist's report on future of victim, **4:3**

Dismissal, **4:31 to 4:33**

Notice, **4:32**

Stipulation, **4:31**

Tolling agreement, **4:33**

Economist's report on replacement costs, **4:2**

Enforcement of settlement, motion to, **4:19**

#### **Insurance**

Settlement letter, **4:8**

Joint petition for approval of settlement, **4:17**

#### **Mediation**

Generally, **4:20**

Construction site, negligent maintenance of, **4:26**

Continuance of trial, motion for, dispute, **4:29**

Discrimination, **4:25**

Harassment, **4:25**

Health club, negligence, **4:28**

Negligence, **4:23**

Negligence, health club, **4:28**

Nursing home, negligent supervision, **4:24**

Retaliation, **4:25**

Snow tube, defective, **4:22**

Swimming pool, negligent supervision, **4:27**

Truck lift gate, defective, **4:21**

Wood burning stove, defective, **4:20**

## INDEX

### NEGOTIATION AND

#### SETTLEMENT—Cont'd

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

#### Notice

Dismissal, **4:32**

Psychiatrist's report on future of burn victim, **4:3**

Rejection of offer, authorization, **4:11**

#### Settlement

Generally, **4:4**

Letter, **4:5**

Damages exceed insurance coverage, **4:7**

Insurance company, **4:8**

Narrative, **4:9**

Releasing one of multiple defendants, **4:6**

Unfair business practice, notice to insurer, **4:10**

Memorandum of, **4:14**

Stipulation, dismissal, **4:31**

Tolling agreement, dismissal, **4:33**

### NEW TRIAL

Motion and memorandum

Damages, **7:8**

Trial, this index

### NOTICE

Motion for order, pleadings, **2:186**

### NURSING HOMES

Mediation, negligent supervision

Negotiation and settlement, **4:24**

Negligent supervision, complaint, **2:60**

### OFFER OF PROOF

Chiropractic malpractice, **5:10**

Pre-trial preparation, **5:9**

### OPENING STATEMENT

Trial, this index

### ORAL ARGUMENT

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

### PAIN AND SUFFERING

Complaint, **2:126**

Dismissal of claims, in limine motions, opposition to, **6:112**

In limine motions, opposition to, **6:104**

### PAIN QUESTIONNAIRE

Case preparation, **1:4**

### PARTICULARITY

Motions to dismiss, pleading, **2:163**

### PERSONAL INJURY DATA

Case preparation, this index

### PHOTOGRAPHS

Admissibility of evidence, trial briefs, **6:21**

### PHYSICIANS AND SURGEONS

Case preparation

Records, request for, **1:19**

Reports, **1:20**

### PLAYGROUNDS

Case preparation, checklist, **1:29**

Equipment, products liability, complaint, **2:33**

### PLEADING RELATED MOTIONS

Affirmative defenses, to strike, **2:182**

Attachment, motion for attachment and accompanying affidavit, **2:176**

Automatic stay, for relief from, **2:179**

Compel joinder of parties needed for just adjudication, **2:175**

Consolidation for purposes of discovery only and to revise tracking orders, joint, **2:187**

Default motion, MCAD, **2:181**

Frivolous lawsuit, sanctions for, **2:185**

Notice, order of, **2:186**

Opposition to

Sequestration of plaintiff's spouse, during deposition, **2:184**

Venue change, **2:183**

Pro hac vice, motion for admission to practice, **2:178**

**PLEADING RELATED MOTIONS  
—Cont'd**

- Remand of action from federal district court to state trial court, motion and memorandum, **2:177**
- Transfer order, to revoke, **2:180**

**POST-TRIAL MATTERS**

- Motions
  - Generally, **7:1**
  - Amend judgment, **7:13**
  - Clarification of judgment, **7:15**
  - Memorandum to alter or amend judgment, **7:14**
- New trial, **7:5**
  - Memorandum, motion, **7:6**
    - additur, **7:7**
    - damages, **7:8**
  - Opposition to, **7:9**
- Opposition to, notwithstanding the verdict, **7:2**
  - Memorandum, **7:3**
    - grounds, **7:4**
- Opposition to motion to stay mandate, **7:16**
- New trial, **7:5**
  - Motion and memorandum
    - Additur, **7:7**
    - Damages, **7:8**
  - Opposition to motion, **7:9**
    - Corporation, **7:11**
    - Supporting brief, **7:12**
    - Wrongful death, **7:10**
  - Supporting brief, opposition to motion, **7:12**

**PRELIMINARY INJUNCTION**

- Pre-trial memorandum, support, **5:81**
- Pre-trial preparation, motion, **5:15**

**PREMISES LIABILITY**

- Assault due to security breach, complaint, **2:45**
- Complaints
  - Generally, **2:45**
- Assault due to security breach, **2:45**
  - Apartment building, **2:46**
  - Restaurant, **2:45**
  - Electrical system, defective, **2:50**

**PREMISES LIABILITY—Cont'd**

- Complaints—Cont'd
  - Hotel, wrongful death, **2:47**
  - Product liability, **2:51**
  - Slip and fall, **2:49, 2:106**
  - Storage of merchandise, dangerous, **2:49**
- Consumer Protection Act demand letter, for case preparation, **1:33**
- Defective store design, trial briefs, **6:16**
- Discovery
  - Checklist, **3:5**
- Electrical system, defective, complaint, **2:50**
- Hotel, wrongful death
  - Complaint, **2:47**
- Instructions to jury, **6:181**
- Interrogatories
  - Generally, **3:42**
  - Container, **3:43**
  - Dangerous storage of merchandise, **3:44**
  - Pallet jack, operation of, **3:46**
  - Wrongful death at hotel, **3:45**
- Product liability, **2:51**
- Requests for admissions, **3:262**
  - Container, **3:263**
  - Franchisor liability for rape and murder on franchisee's premises, **3:264**
  - Hazardous stacking of products, **3:265**
  - Wrongful death at hotel, **3:266**
- Requests to produce
  - Apartment complex, **3:193**
  - Hazardous storage of merchandise, **3:190**
  - Hospital, **3:188**
  - Inadequate building security, **3:189**
  - Operation of pallet jack, **3:192**
  - Structural soundness, **3:187**
  - Wrongful death at hotel, **3:191**
- Slip and fall, complaints, **2:49, 2:106**
- Storage of merchandise, dangerous
  - Complaint, **2:49**

**PRENATAL HISTORY**

- Case preparation, **1:6**

## INDEX

### **PRESCRIPTION DRUGS**

- Expert witnesses, opinion regarding failure to warn and instruct, **1:40**
- Products liability, trial briefs, **6:10**

### **PRESERVATION OF EVIDENCE**

- Case preparation, **1:25**
- Pre-trial preparation, joint agreement, **5:26**

### **PRETRIAL MEMORANDA AND MOTIONS**

- Pretrial preparation, this index

### **PRE-TRIAL PREPARATION**

- Generally, **5:1 to 5:26**
- Automatic stay, memorandum in support of motion for relief, pursuant to Rule 26, **5:17**
- Bifurcation
  - Brief in opposition to motion, **5:3**
  - Plaintiff's exclusion from courtroom, **5:4**
  - Plaintiff's opposition to motion for, **5:3, 5:4**
- Choice of law, motion in opposition to, **5:13**
- Civil litigation anniversary fee, motion to waive or stay, **5:22**
- Confidentiality agreement, **5:18**
- Confidentiality agreement, parties, **5:19**
- Consolidation of cases, motion for, **5:20**
- Continuance of trial, motion for, **5:14**
- 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, **5:21**
- Medical malpractice tribunal
  - Continuance, motion for, **5:25**
  - Opposition to defendant's request, **5:24**
- Memoranda and motions
  - Generally, **5:51**

### **PRE-TRIAL PREPARATION**

#### **—Cont'd**

- Memoranda and motions—Cont'd
  - Age discrimination, emergency motion to voluntarily dismiss all federal law claims, **5:61**
  - Attorney's fees
    - Court authorization of fee division, application for, **5:58**
    - Petition for allowance in excess of limitations set forth in rule, **5:57**
  - Automatic stay
    - Motion for relief and for expedited determination, and to limit service, **5:68**
    - Stipulation of relief from stay regarding personal injury claim, **5:86**
  - Bond, emergency motion to reduce, **5:71**
  - Bond, emergency motion to waive or reduce, **5:70, 5:82**
  - Civil litigation fee, motion to waive, **5:69**
  - Continuance of trial, emergency motion, **5:64, 5:76**
  - Costs, opposition to compel parties to share, **5:82**
  - Daubert motion, opposition to motion to exclude expert opinion that defendant caused plaintiff harm, **5:75**
  - Destruction of evidence, motion for sanctions, **5:59**
  - Doctor, motion to quash subpoena of, **5:76**
  - Exhibits, memorandum in support of opposition to motion to strike, **5:87**
  - Expert opinion, opposition to motion in limine to exclude and for Rule 104(a) hearing, **5:74, 5:85**
  - Habeas corpus, petition for writ of, **5:60**
  - Harm to plaintiff, opposition to Daubert motion to exclude expert opinion that defendant caused, **5:75**

## PRE-TRIAL PREPARATION

### —Cont'd

- Memoranda and motions—Cont'd
  - Joint memorandum
    - Multiple defendants, **5:55**
  - Joint memorandum, multiple defendants
  - Product liability, **5:56**
  - Liquor and entertainment license, real estate attachment, **5:80, 5:91**
  - Medical malpractice, **5:54**
  - Medical malpractice tribunal
    - Demand, motion to strike, **5:72**
    - Findings, opposition to motion to vacate and to substitute panel physician, **5:73**
  - Plaintiff's expert disclosure, opposition to motion to strike from pretrial memorandum
    - Limit testimony appropriate 30B disclosures, **5:90**
  - Plaintiffs memorandum, **5:52**
  - Plaintiffs memorandum, vehicle, **5:53**
  - Preclude expert testimony, opposition to, **5:91**
  - Preliminary injunction, memorandum in support of, **5:81**
  - Real estate attachment
    - Liquor and entertainment license, motion and supporting affidavit, **5:80, 5:91**
    - Motion and memorandum for approval, **5:79**
  - Remand, motion to
    - Generally, **5:63**
    - Procedural defect, **5:84**
    - Supporting memorandum, **5:83**
  - Remand of case back to state superior court, motion, **5:78**
  - Sanctions, Rule 11 motion, **5:67**
  - Stay of proceedings pending issuance of transfer order, opposition to motion, **5:89**
  - Strike expert report and preclude expert testimony, opposition to, **5:92**
  - Subpoena, **5:77**

## PRE-TRIAL PREPARATION

### —Cont'd

- Memoranda and motions—Cont'd
  - Temporary restraining order, memorandum in support of, **5:81**
  - Tracking order deadlines, motion to enlarge, **5:62**
  - Trial procedures, motion to adopt, **5:65**
  - Venue, motion for transfer, **5:85**
  - Venue, opposition to motion for transfer, **5:66**
- Motion and supporting affidavit for real estate attachment, **5:8**
- Offer of proof, **5:9**
- Offer of proof, chiropractic malpractice, **5:10**
- Preliminary injunction, motion for, **5:15**
- Preservation of evidence, joint agreement, **5:26**
- Real estate attachment, motion and supporting affidavit, **5:8**
- Seal, motion to file documents under, **5:23**
- Set off, memorandum in support of position the defendant's damages are not entitled to, **5:16**
- Speedy trial, motion for, **5:11**
- Speedy trial, motion for, elderly plaintiff, **5:12**
- Summary judgment
  - Contractor control over work and proximate cause, **5:48**
  - Dram shop, joint opposition to motion, plaintiff, **5:49**
  - Expert in support of motion, opposition to motion to strike affidavits of plaintiff, **5:50**
  - Memorandum in opposition, **5:48**
  - Motion for
    - Good samaritan affirmative defense, **5:44**
  - Opposition to
    - Negligent oversight, liability of parent company, **5:42**
  - Opposition to motion for, **5:27**
    - Attorney's affidavit, **5:36**

## INDEX

### PRE-TRIAL PREPARATION —Cont'd

- Summary judgment—Cont'd
  - Opposition to motion for, **5:27**
    - Cont'd
    - City's right to control and ambiguous release, **5:43**
    - Dual persona doctrine, **5:38**
    - Gas equipment and services, **5:33**
    - Government tort claims action, **5:28**
    - Government tort claims action, opposition to motion, **5:28**
    - Jurisdiction, **5:34**
      - failure to comply with rules, **5:35**
    - Manufacturer, **5:31**
      - statement of reasons, **5:31**
    - Manufacturer, opposition to motion and statement of reasons, **5:31**
    - Memorandum, **5:48**
    - Memorandum, partial, **5:47**
    - Negligent operation of bus, **5:32**
    - Playground maintenance, negligence, **5:39**
    - Product liability, **5:29**
      - manufacturer, **5:30**
    - Products liability, **5:40**
    - Spoilation of evidence, **5:41**
    - Statement of reasons, **5:30**
    - Successor corporation, liability of, **5:37**
    - Opposition to partial summary judgment, statement of reasons, **5:46**
    - Partial summary judgment, opposition to, **5:45**

### PRODUCTS LIABILITY

- Air rifle
  - Complaint, **2:30**
- Back injury, damages, trial brief, **6:36**
- Bale handling
  - Interrogatories, **3:40**
- Basketball net, complaint, **2:36**

### PRODUCTS LIABILITY—Cont'd

- Bathrobe, flammable, complaint, **2:42**
- Bath seat
  - Interrogatories, **3:34**
- Bath seats
  - Complaint, **2:35**
- Bicycles
  - Complaint, **2:25**
  - Interrogatories, **3:31**
- Birth control pills, complaint, **2:7**
- Book, complaint, **2:5**
- Bungee cord, interrogatories, **3:38**
- Burn injury, damages, trial brief, **6:35**
- Cargo door, motor vehicle manufacturer, interrogatories, **3:27**
- Car seat manufacturer
  - Interrogatories, **3:37**
- Case preparation, checklist, **1:9, 1:28**
- Chemical hose, complaint, **2:44**
- Coffee urn
  - Interrogatories, **3:39**
- Complaints
  - Generally, **2:98**
  - Air rifle, **2:30**
  - Basketball net, **2:36**
  - Bathrobe, flammable, **2:42**
  - Bath seat, **2:35**
  - Bicycle, **2:25**
    - Pedals, **2:26**
  - Birth control pills, **2:7**
  - Book, **2:5**
  - Dietary supplement, **2:40**
  - Dog food can, **2:20**
  - Drain cleaner, **2:18**
  - Drugs, **2:8**
    - Weight loss, **2:9**
  - Electronic monitoring device, **2:14**
  - Elevator, **2:22**
  - Exercise equipment, **2:31**
  - Flammable fabrics, **2:98**
  - Gun, **2:37**
  - Helium tank, **2:11**
  - Herbal supplement, **2:38**
  - Household product, **2:17**
  - Industrial machine, **2:6**

**PRODUCTS LIABILITY—Cont'd**

Complaints—Cont'd

Intrauterine contraceptive device (IUD), **2:100**  
 Iron, **2:43**  
 Jet ski, **2:19**  
 Lawn mower, **2:41**  
 Machine, **2:101**  
 Medical device, **2:27**  
 Mobile home, gas leak, **2:99**  
 Motor vehicles, **2:15**  
     Car seat manufacturer, **2:16**  
 Playground equipment, **2:33**  
 Premises liability, **2:44**  
 Safety glasses, **2:28**  
 Snowmobile, **2:23**  
 Snow tube, **2:32**  
 Swimming pool, above ground, **2:29**  
 Toaster, **2:12**  
 Tool, **2:21**  
 Toy, **2:3**  
     Ingestion, **2:4**  
 Truck cab, **2:10**  
 Uniform, flammable, **2:24**  
 Water heater, **2:39**  
 Wooden plank, **2:13**  
 Corporate admissions, instructions to jury, **6:176**  
 Defective medical device  
     Interrogatories, **3:35**  
 Design defect, instructions to jury, **6:171**  
 Dewiring system  
     Interrogatories, **3:40**  
 Directed verdict, opposition to motion, **6:157**  
 Disposable cigarette lighter  
     manufacturer, interrogatories, **3:25**  
 Dog food can, complaint, **2:20**  
 Drain cleaner  
     Complaint, **2:18**  
 Drug manufacturer  
     Interrogatories, **3:17**  
 Electronic monitoring device  
     manufacturer  
         Interrogatories, **3:28**

**PRODUCTS LIABILITY—Cont'd**

Electronic monitoring devices  
     Complaint, **2:14**  
 Elevator company  
     Interrogatories, **3:41**  
 Elevators  
     Complaint, **2:22**  
 Exercise equipment  
     Complaint, **2:31**  
 Exercise equipment manufacturer  
     Interrogatories, **3:29**  
 Failure to warn, instructions to jury, **6:174**  
 Flammable fabrics  
     Complaint, **2:98**  
 Formal discovery  
     Checklist, **3:3**  
 Gas company  
     Interrogatories, **3:19**  
 Gas explosion, trial briefs, **6:8**  
 Guns  
     Complaint, **2:37**  
     Interrogatories, **3:32**  
 Helium tank, complaint, **2:11**  
 Herbal supplements  
     Complaint, **2:38**  
 Household product, **2:17**  
 Industrial machines  
     Complaint, **2:6**  
     Interrogatories, **3:12**  
 Ingestion, toys  
     Complaint, **2:4**  
 Instructions to jury  
     Marketing defect, **6:177**  
     Toy, **6:175**  
     Warnings and instructions, **6:173**  
 Interrogatories  
     Generally, **3:11**  
     Air gun manufacturer, **3:16**  
     Bale handling, **3:40**  
     Bath seat, **3:34**  
     Bicycle, **3:31**  
     Bungee cord, **3:38**  
     Cargo door, motor vehicle  
         manufacturer, **3:27**  
     Car seat manufacturer, **3:37**  
     Coffee urn, **3:39**  
     Defective medical device, **3:35**



## INDEX

### PRODUCTS LIABILITY—Cont'd

- Interrogatories—Cont'd
  - Dewiring system, **3:40**
  - Disposable cigarette lighter manufacturer, **3:25**
  - Drug manufacturer, **3:17**
  - Electronic monitoring device manufacturer, **3:28**
  - Elevator company, **3:41**
  - Exercise equipment manufacturer, **3:29**
  - Fabrics manufacturer, **3:18**
  - Gas company, **3:19**
  - Gun, **3:32**
  - Industrial container, **3:22**
  - Industrial machine manufacturer, **3:12, 3:30**
  - Industrial product manufacturer, **3:21**
  - Machine manufacturer, **3:24**
  - Motor vehicle manufacturer
    - Cargo door, **3:27**
    - Passenger seat, **3:27**
    - Transmission system, **3:26**
  - Passenger seat, motor vehicle manufacturer, **3:27**
  - Sledding tube, **3:15**
  - Smoke alarm manufacturer, **3:23**
  - Sneakers, **3:36**
  - Stove company, **3:20**
  - Swimming pool manufacturer, **3:14**
  - Toy manufacturer, **3:13**
  - Transmission system, motor vehicle manufacturer, **3:26**
  - Weight loss drug, **3:33**
- Intrauterine contraceptive devices
  - Complaint, **2:100**
- Iron, complaint, **2:43**
- Jet ski, complaint, **2:19**
- Lawn mower, complaint, **2:41**
- Machines
  - Complaint, **2:101**
  - Interrogatories, **3:24**
- Medical devices
  - Complaint, **2:27**
- Mobile homes
  - Complaint, gas leak, **2:99**

### PRODUCTS LIABILITY—Cont'd

- Passenger seat, motor vehicle manufacturer, interrogatories, **3:27**
- Pedals, bicycle
  - Complaint, **2:27**
- Playground equipment, complaint, **2:33**
- Premises liability, complaint, **2:44**
- Prescription drugs, trial briefs, **6:10**
- Product research and testing, instructions to jury, **6:172**
- Requests for admissions
  - Appliance
    - Corporation, **3:260**
    - Manufacturer, **3:261**
  - Bath seat, **3:254**
  - Defective car
    - Door latch, **3:258**
    - Seat, **3:259**
  - Defective medical device, **3:256**
  - Herbal supplement, **3:255**
  - Industrial
    - Container, **3:250**
    - Product, **3:249**
  - Inflatable rock wall, **3:257**
  - Manufacturer
    - Bicycle, **3:248**
    - Fabric, **3:241**
    - Household drain cleaner, **3:243**
    - Mobile home, **3:240**
    - Motor vehicle, **3:246**
    - Smoke alarm, **3:244**
    - Swimming pool, **3:239**
    - Swimming pool filter, **3:245**
    - Tool, **3:247**
    - Toy, **3:237**
      - documents, **3:238**
    - Water heater control, **3:242**
  - Propane tank, **3:251**
  - Snow tube, **3:252**
  - Wood chipper, **3:253**
- Requests to produce, **3:154**
  - Bale handling, dewiring system, **3:186**
- Bath seat, **3:181**
- Company
  - Elevator, **3:174**

**PRODUCTS LIABILITY—Cont'd**

Requests to produce, **3:154**—Cont'd  
     Company—Cont'd  
         Gas, **3:173**  
         Tobacco, **3:166**  
     Industrial container, **3:177**  
     Inflatable rock wall, **3:183**  
         Photograph, **3:184**  
     Intrauterine contraceptive device (IUD), **3:154, 3:155**  
     Manufacturer  
         Air gun, **3:171**  
         Airplane, **3:156**  
         Automobile, **3:162, 3:163**  
             seat belt, **3:162**  
         Car seat, **3:164**  
             Second request, **3:165**  
         Drain cleaner, **3:169**  
         Electric blanket, **3:160**  
         Electronic monitoring device, **3:167**  
         Exercise equipment, **3:175**  
         Gun, **3:179**  
         Industrial machine, **3:176**  
         Pajama, **3:178**  
         Punch press, **3:159**  
         Sledding tubes, **3:158**  
         Snowmobile, **3:157**  
         Swimming pool, **3:170**  
         Toy, **3:168**  
         Water heater control, **3:161**  
     Product advertising material, **3:172**  
     Sneakers, **3:182**  
     Weight loss drug, **3:180**  
     Safety glasses, complaint, **2:28**  
     Sledding tubes  
         Interrogatories, **3:15**  
     Smoke alarms  
         Interrogatories, **3:23**  
     Smoke detector, trial briefs, **6:11**  
     Sneakers  
         Interrogatories, **3:36**  
     Snowmobiles  
         Complaint, **2:23**  
     Snow tubes  
         Complaint, **2:32**  
     Stove company, interrogatories, **3:20**

**PRODUCTS LIABILITY—Cont'd**

Swimming pools  
     Complaint, **2:29**  
     Interrogatories, **3:14**  
     Toaster, complaint, **2:12**  
     Tools  
         Complaint, **2:21**  
     Toys  
         Complaint, **2:3**  
         Interrogatories, **3:12, 3:13**  
     Transmission system, motor vehicle manufacturer, interrogatories, **3:26**  
     Trial briefs, **6:8**  
         Back injury, damages, **6:36**  
         Burn injury, damages, **6:35**  
     Damages  
         Back injury, **6:36**  
         Burn injury, **6:35**  
     Gas explosion, **6:8**  
     Motor vehicle, **6:9**  
     Prescription drugs, **6:10**  
     Smoke detector, **6:11**  
     Uniform, flammable, complaint, **2:24**  
     Voir dire, attitudes toward legislation, reform, **6:133**  
     Water heaters  
         Complaint, **2:39**  
     Weight loss drugs  
         Interrogatories, **3:33**  
     Wooden plank, complaint, **2:13**

**PRO HAC VICE**

Admission to practice, motion for pleading, **2:178**

**PROPANE GAS EXPLOSION**

Negligence, complaint, **2:70**

**PSYCHIATRIC FACILITY**

Negligence, complaint, **2:67**

**PUNITIVE DAMAGES**

Gross negligence, complaint, **2:121**  
     Medical malpractice, complaint due to negligence, **2:85**

**REAL ESTATE ATTACHMENT**

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

## INDEX

### RECALL

In limine motions, opposition to, **6:106**

### REFERRAL ATTORNEY

Case preparation, checklist, **1:10**

### REMAND

Collection of assets, motion, **7:30**  
Federal district court to state trial court, motion and memorandum, pleading, **2:177**

### REQUEST FOR ADMISSIONS

Generally, **3:236**  
Negligence, this index  
Premises liability, this index  
Products liability, this index

### REQUESTS TO PROCEDURE

Generally, **3:153**  
Discrimination  
Age, **3:231**  
Workplace, **3:232**  
Discrimination and constructive discharge, **3:234**  
Negligence, this index  
Premises liability, this index  
Products liability, this index  
Sexual harassment, **3:233**  
Subpoena requiring production of documents, **3:235**

### RESEARCH AND TESTING

Products liability, instructions to jury, **6:172**  
Test reports, admissibility of evidence, trial briefs, **6:20**

### SECURITY BREACH

Assault due to, premises liability, complaint, **2:45**  
Apartment building, **2:46**  
Restaurant, **2:45**

### SEQUESTRATION

Deposition, opposition to motion for sequestration of plaintiff's spouse during, pleadings, **2:184**

### SET OFF

Pre-trial preparation, memorandum in support of position the defendant's damages are not entitled to set off, **5:16**

### SETTLEMENT

Negotiation and settlement, this index

### SEXUAL HARASSMENT

Complaint, **2:123**  
Requests to procedure, **3:233**

### SLIP AND FALL

Premises liability, complaints, **2:49**, **2:106**

### SMOKE DETECTOR

Products liability, trial briefs, **6:10**, **6:11**

### SOCIAL MEDIA ACCOUNTS

Case preparation, **1:3**

### SPECIFIC COMPLAINTS

Complaints, this index

### SPEEDY TRIAL

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

### SPOLIATION OF EVIDENCE

Appeal and review, brief of plaintiff, **8:4**  
Consumer Protection Act, demand letter under  
Statutory notice for case preparation, **1:34**

### STAIRWAY LADDER

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

### STATISTICS

In limine motions, exclusions, **6:48**

### STATUTORY NOTICES

Case preparation  
Medical malpractice, notice of intent to file action, **1:35**  
Case preparation  
Generally, **1:30**

**STATUTORY NOTICES—Cont'd**

- Case preparation—Cont'd
  - Consumer Protection Act demand letter
    - Evidence, destruction of, **1:34**
    - Lead Poisoning Prevention and Control Act, **1:32**
    - Premises liability, **1:33**
    - Security breach, **1:33**
  - Lead Poisoning Prevention and Control Act, **1:32**
  - Warranty, notice of breach, **1:31**
- Consumer Protection Act demand letter
  - Premises liability, case preparation, **1:33**
  - Security breach, case preparation, **1:33**
- Premises liability, Consumer Protection Act demand letter, for case preparation, **1:33**
- Security breach, Consumer Protection Act demand letter, for case preparation, **1:33**

**STAYS**

- Pre-trial memorandum, pending issuance of transfer order, opposition to motion, **5:89**

**STIPULATIONS**

- Negotiation and settlement, dismissal, **4:31**

**STOVE COMPANY**

- Products liability, interrogatories, **3:20**

**STRICT LIABILITY**

- Verdicts, special verdict questions, **6:186**

**STRIKE DEPOSITION**

**TESTIMONY**

- In limine motions, **6:92**

**SUCCESSOR CORPORATIONS**

- Gross negligence, complaint, **2:122**

**SUMMARY JUDGMENT**

- Appeal and review, brief of plaintiff, **8:2**
- Pretrial preparation, this index

**SWIMMING POOLS**

- Mediation, negligent supervision
- Negotiation and settlement, **4:27**

**TECHNICAL ARTICLES**

- Admissibility of evidence, trial briefs, **6:23**

**TEMPORARY RESTRAINING ORDER**

- Pre-trial memorandum, support, **5:81**

**THIN SKULL THEORY**

- Jury instructions, trials, **6:167**

**TOASTER**

- Products liability, complaint, **2:12**

**TOLLING AGREEMENT**

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

**TRACKING ORDER**

- Pre-trial memorandum, deadlines, motion to enlarge, **5:62**

**TRANSFER ORDER**

- Motion to revoke, pleadings, **2:180**

**TRANSMISSION SYSTEM**

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

**TRIAL**

- Generally, **6:1**
- Closing arguments
  - Generally, **6:153 to 6:155**
  - Products liability, swimming pool, **6:155**
  - Products liability, toy, **6:154**
- Collection of assets
  - Generally, **7:17**
- Attorney's fees and costs
  - Opposition to motion, **7:29**
  - Reimbursement of expenses, motion to compel, **7:28**
- Clarification of court order that defendant's of costs paid by prior counsel plaintiff, **7:27**
- Default judgment, motion for entry and assessment of damages,

## INDEX

### TRIAL—Cont'd

- Collection of assets—Cont'd
  - pursuant to Rules 54 and 55, **7:20**
- Enforcement of payment of judgment, motion, **7:22**
- Execution pending review of certiorari, opposition to application to stay, **7:24**
- Letter of credit, opposition to motion to substitute for supersedeas bond, **7:23**
- Minor, petition for approval of settlement on behalf of, **7:19**
- Opposition to motion
  - Award of costs, **7:18**
- Post judgment
  - Interrogatories in aid of execution of judgment, **7:31**
- Post judgment
  - Requests for production of documents in aid of execution of judgment
    - medical negligence, **7:33**
- Remand, motion, **7:30**
- Remittitur
  - Motion to, plaintiff and defendant's reply and sur-reply, **7:25**
  - Opposition to motion, **7:26**
- Tribunal bond, opposition to motion for recovery, **7:21**
- Demonstrative evidence, **6:3**
- Directed verdict
  - Generally, **6:156**
  - Judgment as a matter of law, motion, **6:158**
  - Products liability case, opposition to motion, **6:157**
- Examination of witness
  - Generally, **6:137**
  - Cross-examination, **6:144**
    - Corporate employee, product identification, **6:148**
  - Cross examination, corporate employee, product identification, **6:148**
  - Cross-examination, medical expert for defendant, **6:145**

### TRIAL—Cont'd

- Examination of witness—Cont'd
  - Cross-examination, merchandise manager of defendant, **6:147**
  - Cross-examination, officer of defendant, **6:146**
  - Cross-examination, technical expert for defendant, **6:144**
  - Direct examination, incorporator of defendant, **6:142**
  - Direct examination, officer of defendant, **6:143**
  - Direct examination, plaintiff, **6:138**
  - Direct examination, plaintiff's physician, **6:141**
  - Direct examination, plaintiff's technical expert, **6:140**
  - Direct examination, plaintiff's witness, **6:139**
  - Memorandum of law regarding causation and the admissibility of expert's testimony, **6:152**
  - Opposition to motion to
    - Call expert witness out of order, **6:150**
    - Compel non-party's testimony in breach of confidentiality, **6:149**
    - Exclude expert testimony, **6:151**
- Jury instruction
  - Generally, **6:159, 6:160**
  - Burden of proof, **6:163**
  - Damages, **6:178**
  - Deposition testimony, **6:182**
  - Intervening and superseding causes, objection to, **6:183**
  - Medical malpractice, **6:179**
  - Medical malpractice, calculation of damages, **6:180**
- Negligence
  - Agency, vicarious liability, thin skull theory, **6:167**
  - Corporations, **6:165**
  - Duty of care, **6:164**
    - land owner, **6:166**
  - Electrical wire, live, **6:169**
  - Vehicle collision, **6:168**

## **TRIAL—Cont'd**

- Jury instruction—Cont'd
  - Premises liability, **6:181**
  - Products liability, **6:170**
    - Corporate admissions, **6:176**
    - Design defect, **6:171**
    - Failure to warn, **6:174**
    - Marketing defect, **6:177**
    - Product research and testing, **6:172**
    - Toy, **6:175**
    - Warnings and instructions, **6:173**
  - Warranty, breach of, **6:162**
  - Witness, **6:161**
- Opening statement
  - Generally, **6:135**
  - Products liability, **6:136**
- Products liability
  - Closing arguments, swimming pool, **6:155**
  - Closing arguments, toy, **6:154**
  - Opening statement, **6:136**
- Verdicts
  - Generally, **6:184**
  - Employee negligence
    - Questions, **6:189**
  - Interlocutory injunction, motion for, to hold fines in escrow, **6:190**
  - Opposition to insurance company's motion to intervene, plaintiff, **6:191**
  - Questions, **6:188**
    - Employee negligence, **6:189**
  - Special questions, **6:185**
    - Negligence, **6:187**
    - Strict liability, **6:186**
  - Strict liability, special verdict questions, **6:186**
- Warranty, **6:2**

## **TRIAL BRIEFS**

- Generally, **6:4**
- Admissibility of evidence
  - Admissibility of evidence
    - Other occurrences, **6:32**
  - Catalogue advertisements, **6:25**
  - Damage evidence, **6:30**

## **TRIAL BRIEFS—Cont'd**

- Admissibility of evidence—Cont'd
  - Deposition testimony
    - Taken in connection with another action, **6:34**
  - Deposition testimony, former employee of defendant, **6:33**
  - Expert testimony, **6:27**
  - Hospital and medical records, **6:18**
  - Investigative reports, **6:22**
  - Medical bills and expenses, **6:28**
  - Medical treatises, **6:29**
  - Mortality life tables, **6:17**
  - Other products, **6:26**
  - Photographs, **6:21**
  - Pre and post-occurrence materials, **6:31**
  - Safety standards and codes, **6:19**
  - School records, **6:24**
  - Technical and scientific articles, **6:23**
  - Test reports, **6:20**
- Admissibility of evidence, generally, **6:17**
- Damages
  - Back injury, **6:36**
  - Burn injury, **6:35**
- Gross negligence, **6:15**
- HIV, medical malpractice, **6:6**
- Medical treatises, **6:28**
- Negligence
  - Common carrier collision, **6:13**
  - Faulty wiring, improper carpet installation, **6:12**
  - Medical malpractice,, subsequent medical treatment resulting in additional injury, **6:14**
- Premises liability, defective store design, **6:16**

## **TRUCK LIFT GATE**

- Mediation, **4:21**

## **UNIFORM**

- Products liability, flammable, complaint, **2:24**

## **UNITED STATES, CLAIMS AGAINST**

- Actions under
  - Federal Tort Claims Act, **2:147**

## INDEX

### UNITED STATES, CLAIMS

#### AGAINST—Cont'd

- Actions under—Cont'd
  - Military Claims Act, **2:145**
- Federal Aviation Agency personnel
  - Negligence complaint, **2:149**
- Federal Tort Claims Act, actions under, **2:147**
- Marine Corps personnel
  - Negligence complaint, **2:148**
- Military Claims Act, actions under, **2:145**
- Military complaint letter, **2:146**
- Negligence complaint
  - Federal Aviation Agency personnel, **2:149**
  - Marine Corps personnel, **2:148**

### VENUE

- Opposition to motion for change, pleadings, **2:183**
- Pre-trial memorandum, motion for transfer, **5:85**
- Pre-trial memorandum, opposition to motion for transfer, **5:66**

### VOIR DIRE

- Generally, **6:123**
- Attorney conducted voir dire, plaintiff's motion for, **6:126**
- Awards of large amounts, attitudes towards, **6:129**
- Cause, motion to remove juror for, **6:134**
- Consumer protection attitudes, **6:130**
- Examination of jurors, motion for, **6:124**
- Insurance interests, **6:131**
- Medical malpractice, **6:132**
- Personal knowledge or bias, **6:128**

### VOIR DIRE—Cont'd

- Product liability reform, attitudes toward legislation, **6:133**
- Proposed areas of inquiry, plaintiff's motion for, **6:127**
- Request of, jury venire, motion for, **6:125**

### WARNINGS AND INSTRUCTIONS

- Products liability, instructions to jury, **6:173**

### WARRANTIES

- Instructions to jury, breach of, **6:162**
- Statutory notice of breach, for case preparation, **1:31**
- Trial, **6:2**
- Trial briefs, **6:34**

### WOOD BURNING STOVE

- Mediation
  - Negotiation and settlement, **4:20**
- Mediation, **4:20**

### WOODEN PLANK

- Products liability, complaint, **2:13**

### WRONGFUL DEATH

- Complaint
  - Admiralty action, **2:105**
  - Airplane accident, **2:104**
  - Electrical wire, contact with, **2:102**
- Complaint
  - Railroad crossing, **2:103**
- Dramshop, complaint due to negligence, **2:93**

### WRONGFUL TERMINATION

- Age, based on, complaint, **2:96, 2:97**
- Gender, based on, complaint, **2:97**
- Motions to dismiss, pleading, **2:164**



