

# **Table of Contents**

## **Volume 1**

### **CHAPTER 1. CASE PREPARATION**

#### **A. CLIENT INTERVIEW**

- § 1:1 Introduction
- § 1:2 Client questionnaire
- § 1:3 Client social media letter
- § 1:4 Pain questionnaire
- § 1:5 Family medical history checklist
- § 1:6 Prenatal and birth history
- § 1:7 Defendant information checklist
- § 1:8 Lien checklist
- § 1:9 Products liability checklist
- § 1:10 Referral attorney checklist
- § 1:11 Contingent fee agreement
- § 1:12 Medical authorization form

#### **B. GATHERING PERSONAL INJURY DATA**

- § 1:13 Introduction
- § 1:14 Authorization to release information
- § 1:15 Authorization to release medical records
- § 1:16 Authority to release school records
- § 1:17 Request for abstract of hospital records
- § 1:18 Request for hospital records
- § 1:19 Request for physician records
- § 1:20 Request for physician report
- § 1:21 Request for medical bills
- § 1:22 Authority and request for medical records and bills
- § 1:23 Request for dates of absence from employment
- § 1:24 Request for accident report
- § 1:25 Request to preserve evidence
- § 1:26 Request for vehicle regulatory agency report
- § 1:27 Request for OSHA report
- § 1:28 Products liability checklist
- § 1:29 Playground safety checklist

#### **C. STATUTORY NOTICE**

- § 1:30 Introduction

- § 1:31 Notice of breach of warranty
- § 1:32 Demand letter under Consumer Protection Act—Lead  
Poisoning Prevention and Control Act
- § 1:33 —Premises liability/security breach
- § 1:34 —Destruction of evidence
- § 1:35 Notice of intent to file lawsuit—Medical malpractice

## **D. USING EXPERTS**

- § 1:36 Introduction
- § 1:37 Expert qualification checklist
- § 1:38 Medical expert's evaluation of medical treatment
- § 1:39 —Amputation
- § 1:40 —Failure to warn and instruct on use of prescription  
drugs
- § 1:41 Pre-complaint report of technical expert
- § 1:42 Expert report on defective stairway ladder
- § 1:43 Disclosure of liability expert
- § 1:44 Expert affidavit on gas line fire
- § 1:45 Protocol for the inspection of elevator by expert

## **E. CONSUMER PRODUCT INFORMATION**

- § 1:46 Introduction
- § 1:47 Initial request for information
- § 1:48 Request for victim identification
- § 1:49 Request for summary of meetings
- § 1:50 Request for product defect notification
- § 1:51 Request for information—Enforcement actions
- § 1:52 Request pursuant to Freedom of Information Act

# **CHAPTER 2. COMPLAINTS**

## **A. GENERALLY**

- § 2:1 Choice of forum
- § 2:2 Requisites of proper complaint

### **1. PRODUCTS LIABILITY**

- § 2:3 Products liability—Toy
- § 2:4 — —Ingestion
- § 2:5 —Book
- § 2:6 —Industrial machine
- § 2:7 —Birth control pills
- § 2:8 —Drug
- § 2:9 —Weight loss drug
- § 2:10 —Truck cab

## TABLE OF CONTENTS

§ 2:11	—Helium tank
§ 2:12	—Toaster
§ 2:13	—Wooden plank
§ 2:14	—Electronic monitoring device
§ 2:15	—Motor vehicle
§ 2:16	—Car seat manufacturer
§ 2:17	—Household product
§ 2:18	—Drain cleaner
§ 2:19	—Jet ski
§ 2:20	—Dog food can
§ 2:21	—Tool
§ 2:22	—Elevator
§ 2:23	—Snowmobile
§ 2:24	—Flammable uniform
§ 2:25	—Bicycle
§ 2:26	— —Pedal
§ 2:27	—Medical device
§ 2:28	—Safety glasses
§ 2:29	—Above ground swimming pool
§ 2:30	—Air rifle
§ 2:31	—Exercise equipment
§ 2:32	—Snow tube
§ 2:33	—Playground equipment
§ 2:34	— —Claims pursuant to Mass. R. Civ. P. 14a
§ 2:35	—Bathtub seat
§ 2:36	—Basketball net
§ 2:37	—Gun
§ 2:38	—Herbal supplement
§ 2:39	—Water heater
§ 2:40	—Dietary supplement
§ 2:41	—Lawn mower
§ 2:42	—Flammable bathrobe
§ 2:43	—Iron
§ 2:44	—Chemical hose

## 2. PREMISES LIABILITY

§ 2:45	Premises liability—Assault due to security breach— Restaurant
§ 2:46	— —Apartment building
§ 2:47	—Wrongful death at hotel
§ 2:48	—Slip and fall
§ 2:49	—Dangerous storage of merchandise
§ 2:50	—Defective electrical system
§ 2:51	—Product liability

## 3. NEGLIGENCE

§ 2:52	Negligent operation of motor vehicle
--------	--------------------------------------

## HANDBOOK OF PERSONAL INJURY FORMS

- § 2:53 Negligent—Operation of bus
- § 2:54 Negligent entrustment
- § 2:55 Uninhabitable housing
- § 2:56 Industrial accident
- § 2:57 City employee
- § 2:58 Dog bite
- § 2:59 Storage of hazardous material
- § 2:60 Negligent supervision at nursing home
- § 2:61 Negligent supervision at rest home
- § 2:62 Negligent supervision at camp
- § 2:63 —Swimming pool
- § 2:64 Negligent supervision of minor by parent
- § 2:65 Cooking school
- § 2:66 Daycare
- § 2:67 Psychiatric facility
- § 2:68 Leasing of airplane
- § 2:69 Electrocution at job site
- § 2:70 Propane gas explosion
- § 2:71 Explosion due to improperly marked gas line
- § 2:72 Construction site
- § 2:73 Negligent maintenance of construction site
- § 2:74 —Vehicle accident
- § 2:75 —Wrongful death
- § 2:76 —Unsafe work equipment
- § 2:77 Negligent operation and ownership of motor vehicle
- § 2:78 —Vicarious liability
- § 2:79 Health club
- § 2:80 Negligent maintenance of gas line
- § 2:81 Horse farm
- § 2:82 Soccer association
- § 2:83 Chemical accident during laboratory work
- § 2:84 Medical malpractice
- § 2:85 —Punitive damages
- § 2:86 —Loss of baby
- § 2:87 —Drug error
- § 2:88 — —Death
- § 2:89 —Failure to inform and follow-up
- § 2:90 —Wrongful death
- § 2:91 — —Loss of a chanceFMS
- § 2:92 Dram shop
- § 2:93 —Wrongful death
- § 2:94 Lead Poisoning Prevention and Control Act

### 4. OTHER

- § 2:95 MCAD complaint for hostile work environment
- § 2:96 Wrongful termination based on age

## TABLE OF CONTENTS

§ 2:97 Wrongful termination based on age and gender

### **B. EXCERPTS FROM SPECIFIC COMPLAINTS**

§ 2:98 Products liability—Flammable fabrics  
§ 2:99 —Gas leak in mobile home  
§ 2:100 —Intrauterine contraceptive device (IUD)  
§ 2:101 —Machine  
§ 2:102 Wrongful death—Contact with electrical wire  
§ 2:103 —Railroad crossing  
§ 2:104 —Airplane accident  
§ 2:105 —Admiralty action (46 U.S.C.A. §§ 30901–30918)  
§ 2:106 Premises liability—Slip and fall  
§ 2:107 Assault and battery  
§ 2:108 Assault  
§ 2:109 Common carrier negligence  
§ 2:110 Negligent operation of automobile  
§ 2:111 Drug-related birth defects  
§ 2:112 Negligent supervision  
§ 2:113 Fraud and misrepresentation in home sale  
§ 2:114 Libel  
§ 2:115 Loss of consortium  
§ 2:116 Medical malpractice—Hospital  
§ 2:117 — —Birth injury  
§ 2:118 —Health plan  
§ 2:119 —Anesthesiologist  
§ 2:120 —Physician  
§ 2:121 Gross negligence—Punitive damages  
§ 2:122 —Successor liability  
§ 2:123 Sexual harassment  
§ 2:124 Federal diversity jurisdiction  
§ 2:125 Long arm statute  
§ 2:126 Pain and suffering

### **C. AMENDING COMPLAINTS**

§ 2:127 Introduction  
§ 2:128 Motion to amend complaint  
§ 2:129 —Addition of cause of action  
§ 2:130 —Addition of claims  
§ 2:131 —Addition of defendant  
§ 2:132 — —Medical malpractice  
§ 2:133 — —Concealed information  
§ 2:134 —Addition of new defendants  
§ 2:135 —Misnomer and additional defendants  
§ 2:136 Statement of reasons in support of motion to amend  
complaint

- § 2:137 Plaintiff's memorandum in support of motion for leave to amend complaint
- § 2:138 —Addition of party
- § 2:139 —Addition of claim for wrongful death
- § 2:140 Assented to motion to withdraw plaintiffs' amended complaint and reinstate plaintiffs' initial complaint
- § 2:141 Motion to substitute administrator for deceased plaintiff
- § 2:142 Motion to substitute personal representative for deceased plaintiff
- § 2:143 Assented to motion to substitute party plaintiff
- § 2:144 Motion for substituted complaint

## **D. CLAIMS AGAINST UNITED STATES**

- § 2:145 Actions under Military Claims Act (10 U.S.C.A. §§ 2731 et seq.)
- § 2:146 Military complaint letter
- § 2:147 Actions under Federal Tort Claims Act (28 U.S.C.A. §§ 2671 et seq.)
- § 2:148 Negligence complaint—Marine Corps personnel
- § 2:149 —Federal Aviation Agency personnel

## **E. CLASS ACTIONS**

- § 2:150 Introduction
- § 2:151 Class action complaint
- § 2:152 Motion for class certification
- § 2:153 Brief in support of motion for class certification

## **F. PLEADING-RELATED MOTIONS**

### **1. MOTIONS TO DISMISS**

- § 2:154 Opposition to motion to dismiss—Lack of jurisdiction
- § 2:155 — —Long arm statute
- § 2:156 — —Personal jurisdiction
- § 2:157 — —Discovery
- § 2:158 —Forum non conveniens
- § 2:159 — —Death from negligent automobile servicing
- § 2:160 — —Untimely service
- § 2:161 —Cross motion to strike exhibit in defendant's motion to dismiss
- § 2:162 —Facts substantiate plaintiff's claim
- § 2:163 Opposition to motion to dismiss—Sufficient particularity
- § 2:164 Opposition to motion to dismiss—Wrongful termination
- § 2:165 —Mass. Tort Claims Act

## TABLE OF CONTENTS

- § 2:166 —Recreational use statute
- § 2:167 —Defendant city
- § 2:168 —Rule 14 complaint
- § 2:169 —Amended complaint
- § 2:170 —Plaintiffs' memorandum in support

### 2. MOTIONS RELATED TO SERVICE

- § 2:171 Motion to extend time for service in foreign country
- § 2:172 Motion to extend time for service when identity of defendant is unknown
- § 2:173 Affidavit of service in compliance with Rule 4(f)
- § 2:174 Memorandum in support of plaintiffs' motion for issuance of order nunc pro tunc approving service on defendant by registered mail or, in the alternative, to allow plaintiffs to re-serve defendant by registered mail

### 3. OTHER MOTIONS

- § 2:175 Motion to compel joinder of parties needed for just adjudication
- § 2:176 Motion for attachment and accompanying affidavit
- § 2:177 Motion and memorandum to remand action from federal district court to state trial court
- § 2:178 Motion for admission to practice pro hac vice
- § 2:179 Motion and memorandum for relief from automatic stay
- § 2:180 Motion to revoke order of transfer
- § 2:181 Motion for default in MCAD case
- § 2:182 Motion to strike affirmative defenses
- § 2:183 Opposition to motion for change of venue
- § 2:184 Opposition to motion to sequester plaintiff's spouse during deposition
- § 2:185 Motion for sanctions for frivolous lawsuit
- § 2:186 Motion for an order of notice
- § 2:187 Joint motion to consolidate for purposes of discovery only and to revise tracking orders

## CHAPTER 3. FORMAL DISCOVERY

### A. GENERALLY

- § 3:1 Introduction
- § 3:2 Discovery checklist
- § 3:3 —Products liability
- § 3:4 —Medical malpractice
- § 3:5 —Premises liability

- § 3:6 —Automobile injury
- § 3:7 Initial disclosures under Fed. R. Civ. P. Rule 26
- § 3:8 —Elevator company
- § 3:9 Joint statement pursuant to local rule 16.1(D)
- § 3:10 Joint scheduling order

## **B. INTERROGATORIES**

### **1. IN GENERAL**

- § 3:11 Introduction
  - a. Products liability
    - § 3:12 Products liability—Industrial machine manufacturer
    - § 3:13 —Toy manufacturer
    - § 3:14 —Swimming pool manufacturer
    - § 3:15 —Sledding tube
    - § 3:16 —Air gun manufacturer
    - § 3:17 —Drug manufacturer
    - § 3:18 —Fabrics manufacturer
    - § 3:19 —Gas company
    - § 3:20 —Stove company
    - § 3:21 —Industrial product manufacturer
    - § 3:22 —Industrial container
    - § 3:23 —Smoke alarm manufacturer
    - § 3:24 —Machine manufacturer
    - § 3:25 —Disposable cigarette lighter manufacturer
    - § 3:26 —Motor vehicle manufacturer—Transmission system
    - § 3:27 — —Passenger seat/cargo door
    - § 3:28 —Electronic monitoring device manufacturer
    - § 3:29 —Exercise equipment manufacturer
    - § 3:30 —Industrial machine manufacturer
    - § 3:31 —Bicycle
    - § 3:32 —Gun
    - § 3:33 —Weight loss drug
    - § 3:34 —Bath seat
    - § 3:35 —Defective medical device
    - § 3:36 —Sneakers
    - § 3:37 —Car seat manufacturer
    - § 3:38 —Bungee cord
    - § 3:39 —Coffee urn
    - § 3:40 —Bale handling & dewiring system
    - § 3:41 —Elevator company
  - b. Premises liability
    - § 3:42 Premises liability
    - § 3:43 —Container



## TABLE OF CONTENTS

§ 3:44 —Dangerous storage of merchandise

§ 3:45 —Wrongful death at hotel

§ 3:46 —Operation of pallet jack

### c. Negligence

§ 3:47 Medical malpractice—Hospital

§ 3:48 —Physician

§ 3:49 — —Infectious Disease/HIV

§ 3:50 — —Infection Disease/HIV—Second set

§ 3:51 — —Failure to inform and diagnose

§ 3:52 — —Cervical cancer treatment

§ 3:53 — —Abortion

§ 3:54 —Dentist

§ 3:55 Chiropractic malpractice

§ 3:56 Medical malpractice—Health plan

§ 3:57 Negligent maintenance of construction site

§ 3:58 —Hole

§ 3:59 Statutory violation of Lead Poisoning Prevention and Control Act

## Volume 2

§ 3:60 Statutory violation of dram shop laws

§ 3:61 Negligent operation of motor vehicle

§ 3:62 —Registered owner

§ 3:63 Industrial accident

§ 3:64 Factory accident

§ 3:65 Negligent supervision of sex offender parolee

§ 3:66 Slip and fall

§ 3:67 Negligent supervision by camp

§ 3:68 Negligence—Negligent supervision—School facility

§ 3:69 Negligent supervision by camp—Swimming pool

§ 3:70 Negligent supervision by day care

§ 3:71 Negligent supervision by city

§ 3:72 Negligent supervision by Department of Corrections

§ 3:73 Negligent supervision by hospital

§ 3:74 Negligent supervision by police department

§ 3:75 Horse farm accident

§ 3:76 Medical emergency at soccer association sponsored tournament

§ 3:77 Electric company

§ 3:78 Health club

§ 3:79 Appliance

§ 3:80 Travel service for high school trip

§ 3:81 Gas line fire service

### d. Other

§ 3:82 Assets

- § 3:83 Age discrimination
- § 3:84 Workplace discrimination
- § 3:85 Discrimination and wrongful discharge
- § 3:86 Sexual harassment
- § 3:87 Wrongful termination

## 2. EXCERPTS FROM INTERROGATORIES

- § 3:88 Receipt of required notice
- § 3:89 Physical condition and health of defendant
- § 3:90 Defendant's account of incident
- § 3:91 History of complaints
- § 3:92 History of prior litigation
- § 3:93 History of prior medical malpractice actions
- § 3:94 Knowledge of conditions
- § 3:95 Witnesses and reports
- § 3:96 Contributory negligence or assumption of risk
- § 3:97 Existence of liability insurance
- § 3:98 Presence of safety devices on industrial machine
- § 3:99 Repair and maintenance of equipment
- § 3:100 Control and maintenance of electric power lines and poles
- § 3:101 Maintenance of parking lot
- § 3:102 Control and maintenance of store entrance
- § 3:103 Circumstances of automobile collision
- § 3:104 Circumstances of ship collision
- § 3:105 Authoritativeness of medical research materials
- § 3:106 Landlord liability; Injury caused by stove
- § 3:107 Vehicle owner liability; Injury caused by operator
- § 3:108 Municipality and contractor liability; Death of child on public playground
- § 3:109 Skylight installer liability
- § 3:110 Foam insulation installer liability
- § 3:111 Corporate successor liability
- § 3:112 Experts to be called as witnesses
- § 3:113 Use of experts
- § 3:114 Damages from automobile collision
- § 3:115 Trust
- § 3:116 Jurisdiction

## C. DEPOSITIONS

### 1. IN GENERAL

- § 3:117 Introduction
- § 3:118 Notice of deposition—Fabric company
- § 3:119 —Medical device
- § 3:120 —Premises liability

## TABLE OF CONTENTS

§ 3:121	— —Container
§ 3:122	—Products liability
§ 3:123	—Car seat manufacturer
§ 3:124	—Gas dryer manufacturer
§ 3:125	—Gas dryer installer
§ 3:126	—Transit authority
§ 3:127	—Pallet jack
§ 3:128	—City
§ 3:129	—Department of Corrections
§ 3:130	—Police Department
§ 3:131	—Hospital
§ 3:132	—Gas service company
§ 3:133	—Travel service
§ 3:134	—Hospital
§ 3:135	—Plumbing & heating service company
§ 3:136	—Construction company
§ 3:137	Renotice of deposition
§ 3:138	—Health club
§ 3:139	Motion to require simultaneous exchange of information as condition of taking deposition
§ 3:140	Application for letter rogatory to take deposition outside the state
§ 3:141	Letter rogatory to take deposition outside the state
§ 3:142	Letter rogatory of school representative
§ 3:143	Letter rogatory to out-of-state school
§ 3:144	Stipulations at outset of deposition
§ 3:145	Motion for issuance of commission to take out of state deposition
§ 3:146	Motion for sanctions for violations of Rule 30
§ 3:147	Opposition to motion for reconsideration of motion for leave to take expert depositions
§ 3:148	Opposition to motion to take expert depositions
§ 3:149	Plaintiff's opposition to motion for leave to depose plaintiff's expert witness
§ 3:150	Motion to take audiovisual deposition
§ 3:151	Opposition to motion for reconsideration to allow audiovisual deposition
§ 3:152	Commission to take deposition out of state

## D. REQUESTS TO PRODUCE

§ 3:153	Introduction
1.	PRODUCTS LIABILITY
§ 3:154	Products liability—Intrauterine contraceptive device (IUD)
§ 3:155	— —Device

## HANDBOOK OF PERSONAL INJURY FORMS

- § 3:156 —Airplane manufacturer
- § 3:157 —Snowmobile manufacturer
- § 3:158 —Sledding tube
- § 3:159 —Punch press manufacturer
- § 3:160 —Electric blanket manufacturer
- § 3:161 —Water heater control manufacturer
- § 3:162 —Automobile manufacturer—Seat belt
- § 3:163 —Automobile manufacturer
- § 3:164 —Car seat manufacturer
- § 3:165 — —Second request
- § 3:166 —Tobacco company
- § 3:167 —Electronic monitoring device manufacturer
- § 3:168 —Toy manufacturer
- § 3:169 —Drain cleaner manufacturer
- § 3:170 —Swimming pool manufacturer
- § 3:171 —Air gun manufacturer
- § 3:172 —Product advertising material
- § 3:173 —Gas company
- § 3:174 —Elevator company
- § 3:175 —Exercise equipment manufacturer
- § 3:176 —Industrial machine manufacturer
- § 3:177 —Industrial container
- § 3:178 —Pajama manufacturer
- § 3:179 —Gun manufacturer
- § 3:180 —Weight loss drug
- § 3:181 —Bath seat
- § 3:182 —Sneakers
- § 3:183 —Inflatable rock wall
- § 3:184 — —Photograph
- § 3:185 —Coffee urn
- § 3:186 —Bale handling & dewiring system

### 2. PREMISES LIABILITY

- § 3:187 Premises liability—Structural soundness
- § 3:188 —Hospital
- § 3:189 —Inadequate building security
- § 3:190 —Hazardous storage of merchandise
- § 3:191 —Wrongful death at hotel
- § 3:192 —Operation of pallet jack
- § 3:193 —Apartment complex

### 3. NEGLIGENCE

- § 3:194 Medical malpractice—Physician
- § 3:195 —Surgeon
- § 3:196 —Plastic surgeon

## TABLE OF CONTENTS

§ 3:197	—Dentist
§ 3:198	—Health plan
§ 3:199	—Hospital
§ 3:200	—Abortion
§ 3:201	—Failure to diagnose
§ 3:202	—Physician—Failure to diagnose—Infectious disease/HIV
§ 3:203	Chiropractic malpractice
§ 3:204	Lead poisoning
§ 3:205	Dram shop
§ 3:206	Electric utility
§ 3:207	Operation of motor vehicle
§ 3:208	Operation of bus by Transit Authority
§ 3:209	—Associates
§ 3:210	Industrial accident
§ 3:211	Factory accident
§ 3:212	Negligent supervision of sex offender parolee
§ 3:213	Slip and fall
§ 3:214	Negligent maintenance of construction site
§ 3:215	Fall at construction site
§ 3:216	Negligent supervision at school facility
§ 3:217	Negligent supervision by travel service for high school trip
§ 3:218	—Second request
§ 3:219	Negligent supervision at camp swimming pool
§ 3:220	Negligent supervision at daycare center
§ 3:221	Negligent supervision by city
§ 3:222	Negligent supervision by hospital
§ 3:223	Negligent supervision by police department
§ 3:224	Horse farm accident
§ 3:225	Medical emergency at soccer association sponsored tournament
§ 3:226	Electric company
§ 3:227	Appliance
§ 3:228	Gas line fire service
§ 3:229	Gas equipment and services
§ 3:230	Health club

## 4. OTHER

§ 3:231	Age discrimination
§ 3:232	Workplace discrimination
§ 3:233	Sexual harassment
§ 3:234	Discrimination and constructive discharge
§ 3:235	Subpoena requiring production of documents

## **E. REQUEST FOR ADMISSIONS**

### **§ 3:236 Introduction**

#### **1. PRODUCTS LIABILITY**

- § 3:237 Products liability—Toy manufacturer
- § 3:238 — —Documents
- § 3:239 —Swimming pool manufacturer
- § 3:240 —Mobile home manufacturer
- § 3:241 —Fabric manufacturer
- § 3:242 —Water heater control manufacturer
- § 3:243 —Household drain cleaner manufacturer
- § 3:244 —Smoke alarm manufacturer
- § 3:245 —Swimming pool filter manufacturer
- § 3:246 —Motor vehicle manufacturer
- § 3:247 —Tool manufacturer
- § 3:248 —Bicycle manufacturer
- § 3:249 —Industrial product
- § 3:250 —Industrial container
- § 3:251 —Propane tank
- § 3:252 —Snow tube
- § 3:253 —Wood chipper
- § 3:254 —Bath seat
- § 3:255 —Herbal supplement
- § 3:256 —Defective medical device
- § 3:257 —Inflatable rock wall
- § 3:258 —Defective car door latch
- § 3:259 —Defective car seat
- § 3:260 —Appliance corporation
- § 3:261 —Appliance manufacturer

#### **2. PREMISES LIABILITY**

- § 3:262 Premises liability
- § 3:263 —Container
- § 3:264 —Franchisor liability for rape and murder on franchisee's premises
- § 3:265 —Hazardous stacking of products
- § 3:266 —Wrongful death at hotel

#### **3. NEGLIGENCE**

- § 3:267 Medical malpractice
- § 3:268 Hospital
- § 3:269 Electric utility
- § 3:270 Industrial accident
- § 3:271 Dog bite

## TABLE OF CONTENTS

- § 3:272 Motor vehicle accident
- § 3:273 Industrial explosion
- § 3:274 Gas explosion; City
- § 3:275 Property owner; Defective smoke alarm
- § 3:276 Property manager; Swimming pool death
- § 3:277 Dram shop

## F. DISCOVERY MOTIONS

- § 3:278 Introduction

### 1. MOTIONS TO COMPEL

- § 3:279 Motion to compel deposition
- § 3:280 —Non-party witness
- § 3:281 Motion to compel continued deposition testimony and allow computer forensic inspection
- § 3:282 Motion to compel interrogatory answers
- § 3:283 —Product labelling and alteration—Brief in support of motion
- § 3:284 —Product testing and inspection—Brief in support of motion
- § 3:285 —Prior lawsuits—Brief in support of motion
- § 3:286 —Prior medical malpractice lawsuits—Brief in support of motion
- § 3:287 —Jurisdiction—Supporting memorandum
- § 3:288 Motion to compel interrogatory answers and document production
- § 3:289 —Medical malpractice
- § 3:290 —Successor liability and time frame of requests
- § 3:291 —Substantially similar products
- § 3:292 —Product alteration, packaging, testing, and investigation
- § 3:293 —Other complaints
- § 3:294 Motion to compel document production—Product design, development and testing; Other complaints
- § 3:295 —Criminal files
- § 3:296 —Committee minutes
- § 3:297 —Hospital standards and procedures
- § 3:298 —Privilege
- § 3:299 —Documents identified at deposition
- § 3:300 —Memorandum in support of motion to compel document production
- § 3:301 Motion to compel information and documents
- § 3:302 —Incomplete responses
- § 3:303 —Additional documents identified by witnesses in deposition
- § 3:304 —Other accidents

## HANDBOOK OF PERSONAL INJURY FORMS

- § 3:305 Motion to compel privilege log
- § 3:306 Motion to compel inspection
- § 3:307 Motion to compel inspection, responses to interrogatories, and requests for production of documents
- § 3:308 Motion to compel supplemental discovery responses
- § 3:309 Motion to compel production of photographs
- § 3:310 Motion to compel production of financial information
- § 3:311 Motion to compel compliance with records subpoena
- § 3:312 Motion to compel production of deponent
- § 3:313 Motion to compel recording and or transcript
- § 3:314 Motion to compel payment of expenses
- § 3:315 Opposition to motion to compel document production
- § 3:316 —Work product
- § 3:317 —Work product doctrine—Products liability
- § 3:318 —Reciprocal discovery
- § 3:319 —Department of Children and Families records
- § 3:320 — —Products liability
- § 3:321 Opposition to motion to compel access to social media accounts
- § 3:322 Opposition to motion to compel inspection of car
- § 3:323 Opposition to motion to compel IME
- § 3:324 Opposition to motion to compel psychiatric examination
- § 3:325 Opposition to proposed protocol for a Rule 35 examination of plaintiff child
- § 3:326 —Memorandum in opposition
- § 3:327 Plaintiff's reply memorandum to defendant's opposition to plaintiff's motion for order compelling information and documents
- § 3:328 Opposition to motion to compel records from State Department of Protective and Regulatory Services
- § 3:329 Opposition to motion to compel physical and/or mental examination
- § 3:330 Partial opposition to motion to compel attendance at medical examination
- § 3:331 Memorandum in opposition to motion to compel physical examination outside presence of plaintiff's counsel
- § 3:332 Opposition to motion to compel psychiatric treatment records
- § 3:333 Limited opposition to motion to compel statutorily protected medical records
- § 3:334 Opposition to motion to compel psychological evaluation records

## 2. MOTIONS FOR PROTECTIVE ORDERS

- § 3:335 Motion for protective order—Deposition locale



## TABLE OF CONTENTS

- § 3:336 —Minor
- § 3:337 — —Mental health
- § 3:338 —Telephone depositions of out-of-state plaintiffs
- § 3:339 Opposition to motion for protective order—Deposition locale
- § 3:340 — —Memorandum in support
- § 3:341 —Preservation of testimony
- § 3:342 —Undue hardship
- § 3:343 —Name and information of rape victim in prior civil action in premises liability case
- § 3:344 —11th hour delay tactic
- § 3:345 —Confidentiality
- § 3:346 —Doctor
- § 3:347 —Department of children and family records
- § 3:348 —Expert witness
- § 3:349 —Non-party doctor witness
- § 3:350 —Statement of reasons
- § 3:351 Stipulated protective order regarding protected and proprietary information to be produced

### 3. MOTIONS TO QUASH

- § 3:352 Motion and memorandum to quash subpoena for production of documents and for protective order; Privileged information
- § 3:353 Plaintiffs' opposition to motion to quash and protective order
- § 3:354 Plaintiff's opposition to defendants' motion to quash subpoena duces tecum and for protective order preventing deposition of expert witness
- § 3:355 Emergency motion to quash taking of depositions after expiration of discovery deadline
- § 3:356 Motion to quash the subpoena and deposition notice seeking production and removal of pathology slides

### 4. MOTIONS TO DEFAULT

- § 3:357 Motion to default—Failure to produce as promised
- § 3:358 —Continued failure to produce documents
- § 3:359 — —Brief in support of motion
- § 3:360 —Memorandum in support of entry of judgment motion
- § 3:361 —Failure to plead or defend
- § 3:362 —Spoliation
- § 3:363 —Opposition to motion to remove default
- § 3:364 — —Brief in opposition to motion to remove default
- § 3:365 Defendant's assented to motion to vacate default judgement

- § 3:366 Memorandum and order allowing motion to default  
for failure to produce documents

## 5. MOTIONS FOR SANCTIONS

- § 3:367 Motion for sanctions  
§ 3:368 —Refusal to attend previously scheduled depositions  
and refusal to comply with deposition subpoenas  
§ 3:369 —Failure to produce medical records  
§ 3:370 —Noncompliance with court's discovery orders

## 6. OTHER MOTIONS

- § 3:371 Plaintiffs' motion to extend Rule 35 protocol deadlines  
§ 3:372 Memorandum in opposition to motion for  
confidentiality order  
§ 3:373 Motion to strike and for further answers to  
interrogatories  
§ 3:374 Opposition to motion to strike admission requests  
§ 3:375 Motion to strike liability reference in medical records  
§ 3:376 Motion to strike exhibit due to public records  
exception  
§ 3:377 Plaintiffs' statement of opposition to motion to  
perform tests  
§ 3:378 Motion to enlarge time in which to respond to  
discovery request  
§ 3:379 Motion to shorten time to answer interrogatories  
§ 3:380 Motion for order to bar taking of deposition  
immediately before scheduled date of trial  
§ 3:381 Motion and memorandum to obtain District  
Attorney's file  
§ 3:382 Order requiring District Attorney to make files  
available  
§ 3:383 Plaintiff's emergency motion to substitute experts  
§ 3:384 Plaintiff's objection to expedited pretrial order  
§ 3:385 Motion to defer factual discovery until after case  
management conference  
§ 3:386 Memorandum in support of motion to conduct further  
disassembly of subject product  
§ 3:387 Motion to conduct non-destructive analysis on  
product  
§ 3:388 Motion for issuance of letters rogatory  
§ 3:389 Motion to revoke stipulation limiting damages  
§ 3:390 Motion requesting subpoena to depose nonparty law  
firm and attorney  
§ 3:391 Opposition to motion to stay discovery  
§ 3:392 Limited opposition to motion to stay discovery  
pending resolution of Rule 12 motions

## TABLE OF CONTENTS

- § 3:393 Opposition to motion to submit to a medical examination by a non-physician
- § 3:394 Motion for leave to take deposition of pre-trial jail detainee
- § 3:395 Motion to preclude evidence of litigation costs
- § 3:396 Joint motion of the parties to be relieved from complying with current discovery schedule and to suspend trial date due to criminal prosecution of key witness
- § 3:397 Opposition to motion allowing further discovery of expert witnesses and to continue trial
- § 3:398 Motion for a jury view
- § 3:399 Motion for inspection of premises
- § 3:400 Motion to extend factual discovery deadline due to entry of new defendant
- § 3:401 Opposition to motion allowing destructive testing

## Volume 3

### CHAPTER 4. NEGOTIATION AND SETTLEMENT

#### A. GENERALLY

- § 4:1 Introduction
- § 4:2 Economist's report on replacement costs
- § 4:3 Psychiatrist's report on future of burn victim

#### B. SETTLEMENT

- § 4:4 Introduction
- § 4:5 Settlement letter
- § 4:6 —Releasing one of multiple defendants
- § 4:7 —Damages exceed insurance coverage
- § 4:8 —Insurance company
- § 4:9 —Narrative
- § 4:10 —Notice to insurance company of unfair business practice due to unreasonable failure to settle
- § 4:11 Authorization to reject offer
- § 4:12 Authorization to accept offer
- § 4:13 Agreement to release some defendants while reserving rights against the other defendant
- § 4:14 Memorandum of settlement
- § 4:15 Plaintiff's assented to motion to approve settlement
- § 4:16 —Products liability
- § 4:17 Joint petition for settlement approval

§ 4:18 Opposition to motion for reconsideration of modified  
motion concerning petition for approval of minor's  
settlement

§ 4:19 Motion to enforce settlement agreement

## **C. MEDIATION**

§ 4:20 Mediation summary—Defective wood-burning stove

§ 4:21 —Defective truck lift gate

§ 4:22 —Defective snow tube

§ 4:23 —Negligence

§ 4:24 —Negligent supervision in nursing home

§ 4:25 —Discrimination, harassment, retaliation

§ 4:26 —Negligent maintenance of construction site

§ 4:27 —Negligent supervision at swimming pool

§ 4:28 —Negligence of health club

§ 4:29 Assented to motion to continue trial to mediate dispute

## **D. ARBITRATION**

§ 4:30 Arbitration brief—Motor vehicle accident

## **E. DISMISSAL**

§ 4:31 Stipulation of dismissal

§ 4:32 Notice of dismissal

§ 4:33 Tolling agreement

# **CHAPTER 5. PRETRIAL PREPARATION**

## **A. GENERALLY**

§ 5:1 Introduction

§ 5:2 Brief in support of motion to preclude expert testimony

§ 5:3 Plaintiffs' opposition to defendant's motion to bifurcate  
trial

§ 5:4 —Exclusion of plaintiff from courtroom

§ 5:5 Filing of expert reports

§ 5:6 Motion for appointment of guardian ad litem

§ 5:7 Order appointing guardian ad litem

§ 5:8 Motion and supporting affidavit for real estate  
attachment

§ 5:9 Offer of proof

§ 5:10 —Chiropractic malpractice

§ 5:11 Motion for a speedy trial

§ 5:12 —Elderly plaintiff

§ 5:13 Motion in opposition to choice of law

§ 5:14 Motion to continue trial

## TABLE OF CONTENTS

§ 5:15	Motion for preliminary injunction
§ 5:16	Memorandum in support of position that defendants are not entitled to set off
§ 5:17	Memorandum in support of motion for relief from automatic stay pursuant to Rule 26
§ 5:18	Confidentiality Agreement
§ 5:19	Confidentiality agreement—Parties
§ 5:20	Motion to consolidate cases
§ 5:21	Motion for <i>In Camera</i> review of documents
§ 5:22	Motion to waive or stay civil litigation anniversary fee
§ 5:23	Motion to file documents under seal
§ 5:24	Opposition to defendant's request for medical malpractice tribunal
§ 5:25	Assented to motion to continue medical malpractice tribunal
§ 5:26	Joint agreement regarding preservation of evidence

## B. SUMMARY JUDGMENT

§ 5:27	Opposition to motion for summary judgment
§ 5:28	—Government tort claims action
§ 5:29	—Product liability
§ 5:30	— —Manufacturer
§ 5:31	—Manufacturer—Statement of reasons
§ 5:32	—Negligent operation of bus
§ 5:33	Opposition to motion for summary judgment Gas equipment and services
§ 5:34	Opposition to motion for summary judgment—Jurisdiction
§ 5:35	— —Failure to comply with rules
§ 5:36	—Attorney's affidavit
§ 5:37	—Liability of successor corporation
§ 5:38	—Dual persona doctrine
§ 5:39	—Negligent playground maintenance
§ 5:40	—Products liability
§ 5:41	—Spoliation of evidence
§ 5:42	Opposition to summary judgment—Negligent oversight; liability of parent company
§ 5:43	Opposition to motion for summary judgment—City's right to control and ambiguous release
§ 5:44	Motion for partial summary judgment—Good Samaritan affirmative defense
§ 5:45	Opposition to motion for partial summary judgment
§ 5:46	—Statement of reasons
§ 5:47	Memorandum in opposition to motion for partial summary judgment
§ 5:48	Memorandum in opposition to motion for summary

- judgment—Contractor control over work and proximate cause
- § 5:49 Plaintiff's joint opposition to defendants' motions for summary judgment in Dram Shop action
- § 5:50 Plaintiff's opposition to defendant's motion to strike affidavits of plaintiff's experts in support of motion for summary judgement

## C. PRETRIAL MEMORANDA AND MOTIONS

- § 5:51 Introduction
- § 5:52 Plaintiff's pretrial memorandum
- § 5:53 —Vehicle
- § 5:54 —Medical malpractice
- § 5:55 Joint pretrial memorandum—Multiple defendants
- § 5:56 —Product liability
- § 5:57 Petition for allowance of attorneys' fee in excess of limitations set forth in rule 4-1.5(f)(4)(b)(ii)
- § 5:58 Application for circuit court authorization of fee division
- § 5:59 Motion for sanctions for destruction of evidence
- § 5:60 Petition for writ of habeas corpus
- § 5:61 Emergency motion to voluntarily dismiss all federal law claims in age discrimination action
- § 5:62 Motion to enlarge tracking order deadlines
- § 5:63 Motion to remand
- § 5:64 Emergency motion to continue trial
- § 5:65 Motion to adopt trial procedures
- § 5:66 Opposition to motion for venue transfer
- § 5:67 Rule 11 motion for sanctions
- § 5:68 Motion for relief automatic stay pursuant to 11 U.S.C. § 362(D)(1), and for expedited determination, and to limit service
- § 5:69 Motion to waive civil litigation fee
- § 5:70 Emergency motion to waive or reduce tribunal bond
- § 5:71 Emergency motion to reduce tribunal bond
- § 5:72 Motion to strike demand for medical malpractice tribunal
- § 5:73 Opposition to motion to vacate tribunal findings and substitute panel physician
- § 5:74 Opposition to motion in limine to exclude expert opinion and for a Rule 104(a) hearing
- § 5:75 Opposition to *Daubert* motion to preclude expert opinion that defendant caused plaintiff harm
- § 5:76 Motion to quash subpoena of doctor
- § 5:77 Subpoena
- § 5:78 Motion to remand case back to state superior court
- § 5:79 Motion and memorandum for approval of real estate attachment

## TABLE OF CONTENTS

§ 5:80	Motion and supporting affidavit for attachment of liquor and entertainment license
§ 5:81	Memorandum in support of for temporary restraining order or preliminary injunction
§ 5:82	Opposition to compel parties to share costs
§ 5:83	Motion to remand and supporting memorandum
§ 5:84	—Procedural defect
§ 5:85	Motion to transfer venue
§ 5:86	Stipulation of relief from automatic stay regarding personal injury claim
§ 5:87	Memorandum in support of opposition to motion to strike exhibits
§ 5:88	Opposition to motion to withdraw
§ 5:89	Opposition to motion to stay proceedings pending issuance of a transfer order
§ 5:90	Opposition to motion to strike plaintiff's expert disclosure from pretrial memorandum and limit plaintiff's expert testimony appropriate 30B disclosures
§ 5:91	Opposition to motion to preclude expert testimony
§ 5:92	Opposition to motion to strike expert report and preclude expert testimony

## CHAPTER 6. TRIAL MATTERS

### A. GENERALLY

§ 6:1	Introduction
§ 6:2	Warranty
§ 6:3	Demonstrative evidence

### B. TRIAL BRIEFS

#### 1. IN GENERAL

§ 6:4	Introduction
§ 6:5	Medical malpractice
§ 6:6	—HIV
§ 6:7	Medical malpractice Consent
§ 6:8	Products liability—Gas explosion
§ 6:9	—Motor vehicle
§ 6:10	—Prescription drugs
§ 6:11	—Smoke detector
§ 6:12	Negligence—Faulty wiring; improper carpet installation
§ 6:13	—Common carrier collision
§ 6:14	—Medical malpractice; Subsequent medical treatment resulting in additional injury

- § 6:15 Gross negligence
- § 6:16 Premises liability; defective store design

## 2. TRIAL BRIEF EXCERPTS

- § 6:17 Admissibility of evidence—Mortality life tables
- § 6:18 —Hospital and medical records
- § 6:19 —Safety standards and codes
- § 6:20 —Test reports
- § 6:21 —Photographs
- § 6:22 —Investigative reports
- § 6:23 —Technical and scientific articles
- § 6:24 —School records
- § 6:25 —Catalogue advertisements
- § 6:26 —Other products
- § 6:27 —Expert testimony
- § 6:28 —Medical bills and expenses
- § 6:29 —Medical treatises
- § 6:30 —Damage evidence
- § 6:31 —Pre- and post-occurrence materials
- § 6:32 —Other occurrences
- § 6:33 —Deposition testimony of defendant's former employee
- § 6:34 —Deposition testimony taken in connection with another action
- § 6:35 Damages—Burn injury
- § 6:36 —Back injury

## C. MOTIONS IN LIMINE

- § 6:37 Introduction

### 1. MOTIONS IN LIMINE

- § 6:38 Motion in limine—Preventing reference to collateral source benefits
- § 6:39 —Prohibiting evidence of collateral source benefits
- § 6:40 —Prohibiting evidence of settlement
- § 6:41 —Exclusion of certain facts
- § 6:42 — —Immigrant status
- § 6:43 — —Manner in which plaintiff became infected with HIV
- § 6:44 — —Lack of testing plaintiff for HIV by other physicians
- § 6:45 —Exclusion of irrelevant evidence in plaintiff's possession subsequent to occurrence
- § 6:46 —Exclusion of negative evidence
- § 6:47 —Exclusion of police report and opinion as based on hearsay



## TABLE OF CONTENTS

§ 6:48	—Exclusion of statistics
§ 6:49	—Undisclosed medical opinion
§ 6:50	—Precluding introduction of previous attorney’s letter into evidence
§ 6:51	—Exclusion of expert testimony discovery
§ 6:52	— —Memorandum in support
§ 6:53	—Exclusion of expert testimony—No foundation; not relevant
§ 6:54	— —Unreliable
§ 6:55	— — —Standard of care
§ 6:56	— — — —Memorandum
§ 6:57	— —Inadmissible hearsay
§ 6:58	—Limit expert testimony to matters in original expert report
§ 6:59	—Exclusion of settlement and other claims
§ 6:60	—Precluding bad character evidence
§ 6:61	—Prohibiting evidence pertaining to contributory negligence and intervening cause
§ 6:62	—Precluding evidence of alcohol and drug consumption
§ 6:63	—Precluding reference to prior settlements
§ 6:64	—Precluding evidence of prior criminal record
§ 6:65	—Precluding evidence of gratuitous medical services
§ 6:66	—Exclude admissibility of tax returns
§ 6:67	—Prohibiting testimony of accident reconstruction expert
§ 6:68	—Precluding reference to former defendants and settlements
§ 6:69	—Exclusion of work orders and patents
§ 6:70	—Admissibility of defendants’ insurance coverage
§ 6:71	—Exclusion of evidence associated with inspection
§ 6:72	—Precluding reference to prior claims
§ 6:73	—Admission of day in the life video
§ 6:74	—Exclusion of evidence of OUI conviction
§ 6:75	—Exclusion of evidence of criminal activity
§ 6:76	—Evidence of product testing
§ 6:77	—Exclusion of evidence of criminal activity
§ 6:78	—Evidence of product testing
§ 6:79	—Precluding evidence and arguments regarding comparative negligence
§ 6:80	—Precluding statements in fire department report
§ 6:81	—Precluding state police and town police department records
§ 6:82	—Precluding admission of decedent’s statement
§ 6:83	—Precluding evidence of post-incident employment discipline
§ 6:84	—Precluding “open and obvious” defense
§ 6:85	—Precluding evidence of defendant’s bankruptcy or financial health

- § 6:86 —Strike deposition testimony
- § 6:87 —Precluding hearsay testimony
- § 6:88 —Precluding evidence from alleged online document  
and purported release
- § 6:89 —Precluding evidence of number of children in home
- § 6:90 —Exclusion of expert witness
- § 6:91 —Exclusion of evidence of subsequent remedial  
measures
- § 6:92 Motion in limine—Strike deposition testimony
- § 6:93 Motion in limine—Precluding communications with  
attorneys
- § 6:94 —Marital difficulties
- § 6:95 —Precluding evidence of standard of care
- § 6:96 —Exclusion of medical records

## 2. OPPOSITIONS TO MOTIONS IN LIMINE

- § 6:97 Opposition to motion in limine—Prior incidents
- § 6:98 —Pre-occurrence advertising
- § 6:99 —Psychiatric treatment
- § 6:100 —Medical records
- § 6:101 —Economic testimony
- § 6:102 —Product performance report
- § 6:103 —Evidence of other accidents
- § 6:104 —Pain and suffering
- § 6:105 —Photographs
- § 6:106 —Evidence of product recall
- § 6:107 —Hospital executive committee memorandum
- § 6:108 —Drug and alcohol history
- § 6:109 —Codes and regulations
- § 6:110 —Investigation report; Public or business record
- § 6:111 —Evidence of life expectancy and conscious pain and  
suffering
- § 6:112 —Dismissal of claims for conscious pain and suffering
- § 6:113 —Warnings
- § 6:114 —Punitive damages and net worth
- § 6:115 —Subsequent remedial measures
- § 6:116 —Medical records; Mass. Gen. L. ch. 233 § 79G
- § 6:117 —Preclude duplicative expert testimony
- § 6:118 —Exclusion of expert witness
- § 6:119 — —Memorandum
- § 6:120 —Exclusion of evidence related to gas check
- § 6:121 —Exclusion of expert testimony
- § 6:122 —Evidence as to general size and position in  
marketplace

## D. VOIR DIRE

- § 6:123 Introduction

## TABLE OF CONTENTS

- § 6:124 Motion to examine jurors on voir dire
- § 6:125 Motion to request voir dire of the jury venire
- § 6:126 Plaintiff's motion for attorney conducted voir dire
- § 6:127 Plaintiff's proposed areas of inquiry for voir dire
- § 6:128 Personal knowledge or bias
- § 6:129 Attitudes toward awarding large amounts
- § 6:130 Consumer protection attitudes
- § 6:131 Insurance interests
- § 6:132 Medical malpractice
- § 6:133 Attitudes toward legislation on product liability reform
- § 6:134 Motion to remove juror for cause

## **E. OPENING STATEMENT**

- § 6:135 Introduction
- § 6:136 Opening statement—Products liability

## **F. EXAMINATION OF WITNESS**

- § 6:137 Introduction
- § 6:138 Direct examination—Plaintiff
- § 6:139 —Plaintiff's witness
- § 6:140 —Plaintiff's technical expert
- § 6:141 —Plaintiff's physician
- § 6:142 —Incorporator of defendant
- § 6:143 —Officer of defendant
- § 6:144 Cross-examination—Defendant's technical expert
- § 6:145 —Defendant's medical expert
- § 6:146 —Officer of defendant
- § 6:147 —Merchandise manager of defendant
- § 6:148 —Corporate employee; product identification
- § 6:149 Opposition to motion to compel non-party's testimony in breach of confidentiality
- § 6:150 Opposition to motion to call expert witness out of order
- § 6:151 Opposition to motion to exclude expert testimony
- § 6:152 Memorandum of law regarding causation and the admissibility of expert's testimony

## **G. CLOSING ARGUMENTS**

- § 6:153 Introduction
- § 6:154 Products liability—Toy
- § 6:155 —Swimming pool

## **H. DIRECTED VERDICT**

- § 6:156 Introduction

- § 6:157 Opposition to motion for directed verdict in products liability case
- § 6:158 Motion for judgment as a matter of law

## **I. JURY INSTRUCTIONS**

- § 6:159 Introduction
- § 6:160 General instructions
- § 6:161 Witness instructions
- § 6:162 Breach of warranty instructions
- § 6:163 Burden of proof instructions
- § 6:164 Negligence instructions—Duty of care
- § 6:165 — —Corporations
- § 6:166 — —Land owner
- § 6:167 —Agency, vicarious liability, thin skull theory
- § 6:168 —Vehicle collision
- § 6:169 —Live electrical wire
- § 6:170 Products liability instructions
- § 6:171 —Design defect
- § 6:172 —Product research and testing
- § 6:173 —Warnings and instructions
- § 6:174 —Failure to warn
- § 6:175 —Toy
- § 6:176 —Corporate admissions
- § 6:177 —Marketing defect
- § 6:178 Damages instructions
- § 6:179 Medical malpractice instructions
- § 6:180 —Calculation of damages
- § 6:181 Premises liability instructions
- § 6:182 Deposition testimony instructions
- § 6:183 Objection to jury instructions on intervening and superseding causes

## **J. VERDICT**

- § 6:184 Introduction
- § 6:185 Special verdict questions
- § 6:186 —Strict liability
- § 6:187 —Negligence
- § 6:188 Verdict questions
- § 6:189 —Employee negligence
- § 6:190 Motion for interlocutory injunction to hold fines in escrow
- § 6:191 Plaintiff's opposition to insurance company's motion to intervene

## **CHAPTER 7. POST-TRIAL MATTERS**

### **A. MOTIONS**

- § 7:1 Introduction
- § 7:2 Motion in opposition to motion for judgment  
notwithstanding the verdict
- § 7:3 Memorandum in opposition to motion for judgment  
notwithstanding the verdict
- § 7:4 Memorandum in opposition to judgment  
notwithstanding the verdict—Grounds
- § 7:5 Motion for new trial
- § 7:6 Motion and memorandum for new trial
- § 7:7 —Additur
- § 7:8 —Damages
- § 7:9 Opposition to motion for new trial
- § 7:10 —Wrongful death
- § 7:11 —Corporation
- § 7:12 —Supporting brief
- § 7:13 Motion to amend judgment
- § 7:14 Motion and memorandum to alter or amend judgment
- § 7:15 Motion to clarify judgment
- § 7:16 Opposition to motion to stay mandate

### **B. COLLECTION OF ASSETS**

- § 7:17 Bill of costs pursuant to F.R.A.P. Rule 39
- § 7:18 Opposition to motion for an award of costs
- § 7:19 Petition for approval of settlement on behalf of minor
- § 7:20 Motion for entry of default judgment and assessment  
of damages pursuant to Rules 54 and 55
- § 7:21 Opposition to motion for recovery of tribunal bond
- § 7:22 Motion to enforce payment of judgment
- § 7:23 Objection to motion to substitute letter of credit for  
supersedeas bond
- § 7:24 Opposition to application to stay execution pending  
review of certiorari
- § 7:25 Plaintiff's motion to file a surreply to defendants' reply  
to the motion for remittitur followed by plaintiff's  
surreply
- § 7:26 Opposition to motion to remittitur
- § 7:27 Clarification of court order that defendant's cost be  
paid by plaintiff's prior counsel
- § 7:28 Motion to compel reimbursement of expenses and  
request for attorneys' fees and costs
- § 7:29 Opposition to motion for attorney's fees
- § 7:30 Motion for remand
- § 7:31 Post judgment interrogatories in aid of execution of  
judgment

- § 7:32 —Medical malpractice
- § 7:33 Post judgment requests for production of documents in aid of execution of judgment—Medical malpractice

## **CHAPTER 8. ILLUSTRATIVE APPELLATE REVIEW**

- § 8:1 Plaintiff's brief—Evidence and instructions errors
- § 8:2 —Summary judgment
- § 8:3 —Negligence and unincorporated associations
- § 8:4 —Spoliation, jury instructions, evidence
- § 8:5 Plaintiff's appellate brief—Collateral source income
- § 8:6 Application for further appellate review
- § 8:7 Interlocutory appeal—Motion and memorandum
- § 8:8 —Order
- § 8:9 —Request for oral argument

### **Index**