

Highlights

By Professors **Edward J. Imwinkelried** and **Theodore Y. Blumoff**, your 2025-2026 Edition of *Pretrial Discovery: Strategy and Tactics* brings you new information and expanded analysis for your litigation practice, including the following:

- The inadequacy of “bald” or “lump sum” figures to satisfy the requirement for disclosures regarding damages. § 5:4.
- A testifying expert’s failure to personally prepare the required comprehensive, six-part report. § 5:4.
- The limitations on the contents of supplemental expert reports. § 5:6.
- Procedures for the pre-deposition preparation of a person who has been traumatized. § 7:14.
- The use of spreadsheets to keep track of discovery objections. § 8:25.
- The split of authority over the discoverability of the contents of employees’ personal devices. § 9:13.
- The use of AI tools during discovery. § 9:13.
- The discovery of audit trails in medical malpractice litigation. § 9:24.
- The production of data from messaging apps. § 9:24.
- The 2024 amendments to Rules 16 and 26 dealing with privilege logs. § 9:47.
- **In re Washington Prime Group**, holding that if the expert has served as a mere consultant on some issues but will testify on other issues, “the broader discovery [rule] for testifying expert applies to everything except materials generated or considered solely in the expert’s role as consultant.” § 5:4.
- **DMO Norwood LLC v. Kia America, Inc.**, dealing with the 25-interrogatory limit and holding that the responding party may not merely identify or produce relevant documents. § 8:12.
- **Owens v. Board of Supervisors of Louisiana State University and Agricultural and Mechanical College**, holding both that the producing party must follow up after putting a litigation hold in place and that in the instant case, the party’s follow up was inadequate. § 9:41.
- **Chepilko v. Henry**, holding that when a party seeks severe, potentially dispositive sanctions, they must show that the opposition’s conduct was intentional but that they need not show prejudice. § 14:8.