Index

ACCIDENT

RECONSTRUCTION AND BIOMECHANIC EVIDENCE

Tests and scientific evidence, **5:39**, **5:64**

ACCIDENT REPORTS

Generally, 4:77 to 4:88

Business records exception to hearsay rule, **4:86**

Diagrams made at scene, opposing authorities, **4:85**

Impeachment, 4:88

Opposing authorities, 4:84 to 4:88

Public records exception to hearsay rule, **4:81**, **4:87**

Refreshing recollection, 4:84

Sample motion to exclude, 4:159

Summary, **4:77**

Supporting authorities, generally, **4:79 to 4:83**

ACCURACY

Maps, models, charts, exhibits and demonstrative evidence, 4:112

ACQUITTED CONDUCT

Impeachment, character evidence used for, 7:10

ADMISSIONS AND ADMITTED MATTERS

Irrelevant evidence, **3:16**Motion to deem matters admitted, **6:44**

ALCOHOL CONSUMPTION

Impeachment, 7:9

ANSWER TO INTERROGATORIES

Evidentiary sanctions, motion for, **6:5**

APPEARANCE

Evidentiary sanctions, motion for, **6:5**

ARBITRATOR, MOTION TO EXCLUDE TESTIMONY OF

Generally, 8:60

Motion summary, 8:61

Suggested motion text, 8:60

Supporting authorities, 8:63

ARRESTS

Impeachment, character evidence used for, **7:10**

ATTORNEY, MOTION TO EXCLUDE TESTIMONY OF

Generally, 8:60

Motion summary, 8:61

Opposing authorities, 8:66

Suggested motion text, 8:60

Supporting authorities, 8:65

Uncontested issue, 8:66

AUTHORITY AND AUTHORIZATION

Motion in limine law, 1:2

AUTOMOBILES AND MOTOR VEHICLES

Alcohol consumption. See index heading ALCOHOL CONSUMPTION

Unlicensed, motion to exclude that driver was, 7:57

BIFURCATED TRIAL

Motion to exclude evidence of damages, **3:27**

BILLING RECORDS

Medical records, reports or bills, 4:123, 4:132

BIOMECHANIC EVIDENCE

Generally, **5:39**, **5:64**

Motion to exclude, 5:73

BRIEFS

Motion in limine law, 1:16

BUSINESS RECORDS

Accident reports, **4:86**Letters, **4:101**Medical records, reports or bills, **4:128**

CARE OR SKILL IN NEGLIGENCE CASES

Conduct, character evidence used to prove, **7:28**

CAUSATION

Lay witness testimony, 8:41

CAUTIONARY ADMONITION

Prejudicial film or videotapes, **4:66**

CHARACTER EVIDENCE

Generally, **7:1 to 7:55**Admissible character evidence, generally, **7:1 et seq.**Alcoholism of percipient witness, **7:46**

Conduct, character evidence used to prove

generally, 7:23 to 7:35

for detailed treatment see index heading conduct, CHARACTER EVIDENCE USED TO PROVE

Exclusion, generally, 7:3

Failure to file income tax returns, 7:47

Impeachment of witness generally, **7:4 to 7:22**

for detailed treatment see index heading impeachment

Juvenile adjudication, 7:52

Marijuana use, 7:55

Marital infidelity, 7:50

Mental health, 7:56

Prescription drug abuse, 7:53

Prior arrest of witness, 7:54

Prior crime evidence

generally, 7:36 to 7:45

for detailed treatment see index heading PRIOR CRIME EVI-DENCE

CHARACTER EVIDENCE

—Cont'd

Religious beliefs, **7:51** Traffic offense, **7:49**

CHARTS

Generally, **4:106 to 4:113**

For detailed treatment see index heading maps, models, charts, exhibits and demonstrative evidence

CHILD MOLEST SYNDROMES (CSAAS)

Tests and scientific evidence, 5:34

CHILDREN

Child molest syndromes (CSAAS), tests and scientific evidence, **5:34**Incompetent witness, testimony

of, **8:53, 8:58**

COLLATERAL ISSUES

Irrelevant evidence, 3:17, 3:19, 3:26

COMMENTS

Exercise of privilege not to testify, comment on, 8:77 to 8:82

COMMON EXPERIENCE

Improper expert testimony, 8:11

COMPROMISE OR SETTLEMENT

Generally, **4:38**, **4:97** Opposing authorities, **4:49**

CONDITIONAL ADMISSIBILITY

Foundation, evidence lacking, **4:27**

CONDUCT, CHARACTER EVIDENCE USED TO PROVE

Generally, 7:23 to 7:35 Care or skill in negligence cases, 7:28

Discretion of court, **7:31**Impeachment of witness, **7:33**Improper character evidence, exclusion of, **7:27 to 7:29**

Irrelevant evidence, 7:26

CONDUCT, CHARACTER EVIDENCE USED TO PROVE—Cont'd

Negligence cases, care or skill in, **7:28**

Opposing authorities, generally, 7:31 to 7:35

Other crimes evidence, 7:29

Pertinent trait, 7:34

Relevancy, 7:32

Suggested motion text, 7:23

Summary, 7:24

Supporting authorities, generally, 7:25 to 7:30

CONFUSING OR MISLEADING EVIDENCE

Exclusion of

generally, 2:15 to 2:18

for detailed treatment see index heading PREJUDICIAL EVI-DENCE

Sample motion, 2:53

Tests and scientific evidence, 5:42

CONJECTURE

See index heading speculation and CONJECTURE

CONVICTIONS

Impeachment, character evidence used for, **7:12**

COURTROOM, MOTION FOR EXCLUSION OF WITNESS PRIOR TO TESTIFYING

Generally, 8:70 to 8:76

Discretionary decision, 8:73

Opposing authorities, 8:73 to 8:76

Suggested motion text, 8:70

Summary, **8:71**

Supporting authorities, 8:72

CUMULATIVE EVIDENCE

Prejudicial evidence

generally, 2:29 to 2:42

for detailed treatment see index heading PREJUDICIAL EVI-DENCE

Published articles, 4:71

DEFAULT JUDGMENT AS SANCTION

Discovery motions, 6:49

DEFINITIONS

Foundation evidence lacking, **4:4** Writings and physical evidence, **4:31**

DEMONSTRATIVE EVIDENCE

Generally, 4:106 to 4:113

For detailed treatment see index heading maps, models, charts, exhibits and demonstrative evidence

DESCRIPTION

Motion in limine law, 1:1

DESTROYED EVIDENCE

For detailed treatment see index heading LOST OR DESTROYED EVIDENCE

DISAPPROVED STATISTICAL EVIDENCE

Tests and scientific evidence, 5:42

DISCOVERY MOTIONS

Generally, 6:1 et seq.

Admitted matters, motion to conclusively establish

generally, **6:18 to 6:23**

Admitted mattress, motion to conclusively establish

opposing authorities, 6:23

purpose of discovery, 6:21

suggested motion text, 6:18

summary, **6:19**

supporting authorities, **6:20**, **6:21**

Claims denied or changed during discovery

generally, **6:24 to 6:30**

opposing authorities, 6:30

sample motion, 6:38

suggested motion text, 6:24

summary, **6:25**

supporting authorities, **6:26 to 6:29**

unfair surprise, 6:27

Deadline, motion to exclude evidence produced beyond, **6:43**

DISCOVERY MOTIONS

—Cont'd

Default judgment as sanction, **6:49**

Evidentiary sanctions, motion for generally, **6:1 to 6:17**

for detailed treatment see index heading EVIDENTIARY SANC-TIONS, MOTION FOR

Expert witness disclosure and depositions, motions regarding

generally, 6:31 to 6:37

for detailed treatment see index heading expert witness DISCLOSURE AND DEPOSITIONS, MOTIONS REGARDING

Motion to dismiss as discovery sanction, **6:51**

Sample motions

claim denied during discovery, **6:38**

expert testimony not disclosed during discovery, motion to exclude, **6:48**

failure to serve answers or objections to interrogatories, **6:50**

sanction establishing facts, **6:45**Sanction establishing facts, **6:45**Unfair surprise, exclusion of claims denied or changed during discovery, **6:27**

DISCRETION

Conduct character evidence used to prove, 7:31

Courtroom, motion for exclusion of witness prior to testifying, 8:73

Maps, models, charts, exhibits and demonstrative evidence, 4:108

Tests and scientific evidence, 5:16

DISPOSITION TO COMMIT CRIME

Prior crime evidence, 7:40

DOCUMENTS AND TEXTS

Improper expert testimony, **8:8**, **8:26**

DRAFTING SUGGESTIONS

Motion in limine law, 1:12 to 1:15

DRUG USE

Impeachment character evidence used for, 7:11

DUI

Prior crime evidence, 7:48

ELECTRONIC PENILE PLETHYSMOGRAPH TEST

Tests and scientific evidence, 5:35

EMAILS

Insufficient evidence, 4:94

Privilege, 4:97.50

Relevancy, 4:105

Sample motion to exclude emailed letter, **4:147**

EMOTIONAL BIAS

Generally, 2:20 to 2:27

For detailed treatment see index heading PREJUDICIAL EVIDENCE

ESTOPPEL

See index heading waiver and ESTOPPEL

EVIDENTIARY SANCTIONS, MOTION FOR

Generally, **6:1 to 6:17**

Admit, failure to, 6:4

Adverse presumption from missing evidence, **6:7**, **6:19**

Answer to interrogatories, failure to serve, **6:5**

Appearance at party's own deposition, failure as to, **6:5**

Available sanctions, 6:3

Establishing facts, 6:45

Evidence sanction, 6:6

Inspection request, failure to respond to, **6:5**

Issue sanction, 6:7

Matters deemed admitted, **6:9**, **6:16**

Mental examinations of persons, **6:10**

Opposing authorities, generally, **6:13 to 6:17**

EVIDENTIARY SANCTIONS, MOTION FOR—Cont'd

Physical and mental examinations of persons, **6:10**

Suggested motion text, **6:1** Summary, **6:2**

Supporting authorities, generally, **6:3 to 6:12**

Terminating sanctions, 6:8, 6:15

EXAMPLES

Writings. See index heading writ-INGS AND PHYSICAL EVIDENCE

EXCEPTIONS

Hearsay evidence, generally, **8:103, 8:108**

Letters, 4:100 to 4:102

EXCLUSION OF WITNESS

Motion to exclude witness from courtroom prior to testifying, **8:116.50**

EXHIBITS

Generally, 4:106 to 4:113

For detailed treatment see index heading maps, models, charts, exhibits and demonstrative evidence

EXPERIMENTS

Generally, **5:1 to 5:24**

For detailed treatment see index heading TESTS AND EXPERIMENTS

EXPERT WITNESS DISCLOSURE AND DEPOSITIONS, MOTIONS REGARDING

Generally, **6:31 to 6:37**Suggested motion text, **6:31**Summary, **6:32**Supporting authorities, **6:33**, **6:34**Undisclosed witness, **6:34**

EXPERT WITNESSES

Disclosure and depositions, motions regarding, **6:31 to 6:37**

generally, 6:31 to 6:37

for detailed treatment see index heading EXPERT WITNESS DISCLOSURE AND DEPOSITIONS,

EXPERT WITNESSES—Cont'd

Disclosure and depositions, motions regarding, **6:31 to 6:37**—Cont'd

MOTIONS REGARDING

Foundation evidence lacking, 4:14

Improper expert testimony

generally, 8:1 to 8:29

for detailed treatment see index heading improper expert TESTIMONY

Matters not disclosed during discovery, motion to exclude, **6:48**

Non-qualified experts generally, **8:31 to 8:37**

for detailed treatment see index heading NON-QUALIFIED EXPERT, TESTIMONY OF

Prejudicial evidence, sample motion, **2:48**

Tests and scientific evidence generally, **5:3 to 5:15, 5:70 to 5:73**

for detailed treatment see index heading TESTS AND EXPERI-MENTS

FAULT

Evidence of.See index heading LIABILITY OR FAULT EVIDENCE

FILM OR MOTION PICTURES

Foundation, evidence lacking, 4:13

Prejudicial film or videotapes generally, **4:59 to 4:66** for detailed treatment see index heading PREJUDICIAL FILM OR VIDEOTAPES

FINANCIAL STATUS OF PLAINTIFF

Prejudicial evidence, 2:45

FORMS

Character evidence alcoholism of percipient witness, **7:46** failure to file income tax returns, **7:47**

FORMS—Cont'd

Irrelevant evidence

motion to exclude collateral and irrelevant evidence, **3:26** physical conditions not in issue,

physical conditions not in issue 3:23

Non-called witness, reference to, **8:114**

Speculative expert opinion, 8:113

FOUNDATION, EVIDENCE LACKING

Generally, 4:1 to 4:28, 4:31

Conditional admissibility, **4:27**

Definitions, 4:4

Experiments, 4:12

Expert witness testimony, **4:14**, **4:23**

Improper foundation, generally, **4:10 to 4:17**

Inadmissibility of evidence, **4:7**

Judicial notice, **4:9, 4:28**

Jury presence, determination of preliminary questions out of, **4:6**

Lay witness testimony, 4:15, 4:24

Medical records, reports or bills, 4:17, 4:26, 4:117, 4:123

Motion pictures, improper foundation, **4:13**

Offer of proof requirement, 4:5

Opposing authorities, 4:18

Photographic evidence, improper foundation, **4:10**

Preliminary questions, 4:4 to 4:9

Social media evidence, **4:140**,

4:144

Suggested motion text, 4:1

Summary, 4:2

Supporting authorities, generally, **4:3 to 4:17**

Tape recordings, **4:11**, **4:20**

Tape recordings, **4.11**, **4.20**

Tests and experiments, 4:12, 4:21

Videotapes, 4:13, 4:22

Writings, 4:16, 4:25

FRAUDULENT ACTS

Impeachment, character evidence used for, 7:13

GENERAL ACCEPTANCE

Tests and scientific evidence, **5:22**, **5:59**

GOLDEN RULE ARGUMENT

Prejudicial evidence, 2:24, 2:46.50

GRUESOME OR INFLAMMATORY PHOTOGRAPHS

Generally, **4:52 to 4:58**

Irrelevant evidence, exclusion of, 4:55

Opposing authorities, 4:58

Photographs, exclusion of, generally, **4:56**

Purpose to inflame emotions, 4:56

Sample motions, **4:145**, **4:155**

Suggested motion text, **4:52**

Summary, **4:53**

Supporting authorities, generally, **4:54 to 4:57**

HEARSAY EVIDENCE

Generally, 8:94 to 8:112

Accident reports, **4:86, 4:87**

Examples, **8:102**

Exceptions to hearsay rule, generally, **8:103**, **8:108**

Expert testimony, 8:5 to 8:8, 8:24 to 8:26

General authority for exclusion, **8:97, 8:101**

Impeachment of witness, hearsay used for, **8:112**

Improper expert testimony, **8:5 to 8:8, 8:24 to 8:26**

Letters, 4:93, 4:100 to 4:102

Medical records, reports or bills, 4:118, 4:128

Multiple hearsay, 8:111

Nonassertive conduct, 8:110

Non-hearsay evidence, **8:109**

Opposing authorities, 8:103 to 8:112

Purpose of exceptions to hearsay rule, **8:108**

Purpose of rule, 8:98

Silence as hearsay, 8:99

HEARSAY EVIDENCE—Cont'd Social media evidence, 4:139,

4:143

Suggested motion text, **8:95**Summary, **8:96**Supporting and partition **8:97**

Supporting authorities, **8:97 to 8:102** Written hearsay, **8:101, 8:102**

HEDONIC DAMAGE

Tests and scientific evidence, 5:28

HYPNOSIS EVIDENCE

Tests and scientific evidence, 5:37, 5:56

HYPOTHETICAL QUESTIONS

Improper expert testimony, **8:4**, **8:27**

IDENTICAL CONDITIONS REQUIREMENT

Tests and scientific evidence, 5:21

ILLUSTRATIONS OR ILLUSTRATIVE PURPOSES

Maps, models, charts, exhibits and demonstrative evidence, 4:111

IMPEACHMENT

Generally, 7:4 to 7:22

Acquitted conduct, 7:10

Alcoholic beverages, 7:9

Arrests, 7:10

Biased or prejudicial evidence, exclusion of, generally, **7:6 to**

Character evidence used for, generally, **7:4 to 7:22**

Conduct, character evidence used to prove, **7:33**

Convictions, 7:12

Criminal charges, 7:10

Drug use, 7:11

Facts at issue, 7:18

Fraudulent acts, 7:13

Good character, 7:14

Hearsay evidence, 8:112

Improper impeachment evidence, exclusion of, generally, **7:8 to 7:16**

IMPEACHMENT—Cont'd

Irrelevant evidence, exclusion of, generally, **7:7**

Opposing authorities, generally, 7:18 to 7:22

Perceptions of witness, 7:19

Prejudicial evidence, exclusion of, generally, **7:6 to 7:22**

Prior crime evidence, 7:44

Religious belief, 7:15

Sexual preference or behavior,

7:16

Suggested motion text, 7:4

Summary, 7:5

Supporting authorities, generally, **7:6 to 7:17**

Veracity of witness, 7:21

IMPROPER EXPERT TESTIMONY

Generally, 8:1 to 8:29

Common experience, matters of, **8:11**

Conjecture, 8:15

Documents and texts as hearsay, **8:8, 8:26**

Hearsay, 8:5 to 8:8, 8:24 to 8:26

Helpfulness to jury, 8:30.1

Hypothetical questions, 8:4, 8:27

Inadmissible hearsay, 8:5 to 8:8

Irrelevant matters, 8:19

Jury functions, usurpation of, 8:18

Legal questions, 8:9, 8:10, 8:29

Multiple variables, 8:16

Opposing authorities

generally, 8:23 to 8:30.2

degree of certainty, 8:28

hearsay, 8:24 to 8:26

helpful to jury, 8:30.1

hypothetical questions, 8:27

legal questions vs. ultimate issues, **8:29**

reliable, **8:30.2**

1011abic, **6.30.2**

uncooperative witnesses, 8:30

Other grounds, 8:22

Others, opinions or statements of, 8:6, 8:7, 8:25

Precluded by law, matters as, **8:14** Reasonable reliance by experts,

asonable reliance by experts, lack of, **8:12**

IMPROPER EXPERT TESTIMONY—Cont'd

Reliability, opposing authorities, **8:30.2**

Speculation or conjecture, 8:15
Suggested motion text, 8:1
Summary, 8:2
Supporting authorities, 8:3 to 8:22
Treatises as hearsay, 8:8, 8:26
Ultimate issues, 8:10, 8:29
Uncooperative witness, 8:17, 8:30
Unperceived or unknown matters, 8:13

Usurping jury functions, 8:18

IMPROPER FOUNDATION

See index heading FOUNDATION

IMPROPER IMPEACHMENT EVIDENCE

Impeachment, character evidence used for, **7:8 to 7:16**

INABILITY TO EXPRESS SELF OR TELL TRUTH

Incompetent witness, testimony of, **8:53**

INCOMPETENT WITNESS TESTIMONY Generally, 8:51 to 8:59

Children, 8:53, 8:58
Inability to express self or tell truth, 8:53
Insanity, 8:54, 8:59
Mental competence, 8:54, 8:59
Motion to exclude, 8:128

Opposing authorities, **8:57 to 8:59** Other grounds, **8:56**

Personal knowledge of subject matter, lack of, **8:55** Suggested motion text, **8:51**

Summary, **8:52**Supporting authorities, **8:53 to 8:56**

INFLAMMATORY MATTERS

Juror's emotions, inflaming of, 2:22

Opposition to motion to exclude, **7:58**

INFLAMMATORY MATTERS

-Cont'd

Photographs

generally, 4:52 to 4:58

for detailed treatment see index heading GRUESOME AND INFLAMMATORY PHOTOGRAPHS

INSANITY

Incompetent witness, testimony of, **8:54**, **8:59**

INSPECTION REQUEST

Evidentiary sanctions, motion for, **6:5**

INTOXICATING LIQUOR

See index heading ALCOHOL CONSUMPTION

IRRELEVANT EVIDENCE

Generally, 3:1 to 3:28

For detailed treatment see index heading RELEVANCY

ISSUE SANCTION

Evidentiary sanctions, motion for, **6:7**

JUDGE, MOTION TO EXCLUDE TESTIMONY OF

Generally, 8:60

Prior proceedings, judge's testimony regarding, **8:68**Suggested motion text, **8:60**Supporting authorities, **8:62**

JUDICIAL NOTICE

Tests and scientific evidence, 5:63

JUNK SCIENCE

Tests and experiments, 5:64.50

JUNK SCIENCE AND RELATED EVIDENCE

Generally, 5:25 to 5:64

For detailed treatment see index heading Tests and Experiments

JURY AND JURY TRIAL

Foundation, evidence lacking, **4:6**Missing evidence instruction, opposition to motion for, **6:47**

JURY AND JURY TRIAL

-Cont'd

Testimony of juror generally, 8:60 motion summary, 8:61 opposing authorities, 8:69 suggested motion text, 8:60 supporting authorities, 8:64 Usurpation of functions of jury by improper expert testimony, 8:18

JUVENILE ADJUDICATION

Character evidence, 7:52

LEGAL OPINIONS

Lay witness testimony, 8:42

LEGAL QUESTIONS

Improper expert testimony, 8:9, 8:10, 8:29

LETTERS

Generally, 4:89 to 4:105 Business records exception to hearsay rule, 4:101 **Emails** insufficient evidence, 4:94 privilege, 4:97.50 relevancy, 4:105 Exceptions to hearsay rule, 4:100 to 4:102 Hearsay, 4:93, 4:100 to 4:102 Inadmissible hearsay, 4:96 Opposing authorities, generally, 4:98 to 4:105 Prejudicial evidence, 4:95 Public records exception to

hearsay rule, 4:102 Relevancy, 4:103 Settlement evidence, **4:97**

Suggested motion text, 4:89

Summary, **4:90**

Supporting authorities, generally, 4:91 to 4:98

LIABILITY INSURANCE

Generally, 4:39 Opposing authorities, 4:51 Writings and physical evidence, 4:151

LIE DETECTOR EVIDENCE

Tests and scientific evidence, 5:30, 5:31, 5:50 to 5:53

LIMITATIONS AND RESTRICTIONS

Motion in limine law, 1:4

LOCAL RULES

Motion in limine law. 1:9

LOST PROFITS

Motion to exclude speculative evidence, 3:25

MAPS, MODELS, CHARTS, **EXHIBITS AND DEMONSTRATIVE EVIDENCE**

Generally, **4:106 to 4:113** Accuracy not in dispute, 4:112 Discretion of court, 4:108 Illustrations or illustrative purposes, 4:111 Maps, models or charts, generally, 4:109 Opposing authorities, generally,

4:111 to 4:113 Relevancy, 4:113

Sample motion to exclude map, 4:156

Suggested motion text, 4:106 Summary, 4:107

Supporting authorities, generally, 4:108 to 4:110

MARIJUANA USE

Character evidence, 7:55

MATTERS DEEMED **ADMITTED**

Evidentiary sanctions, motion for, 6:9, 6:16

MEDIATION EVIDENCE

Witness evidence, 8:116

MEDIATOR, MOTION TO **EXCLUDE TESTIMONY OF**

Generally, 8:60 Motion summary, 8:61 Opposing authorities, 8:67 Sample motion, 8:127 Suggested motion text, 8:60

MEDIATOR, MOTION TO EXCLUDE TESTIMONY OF —Cont'd

Supporting authorities, 8:63

MEDICAL RECORDS, REPORTS OR BILLS

Generally, **4:114 to 4:134**Billing records, **4:123**, **4:132**, **4:133**

Business records exception, **4:128**Diagnosis pertinence, patient medical history, **4:130**

Extrinsic impeachment evidence, patient medical history, **4:122**

Foundation, lack or absence of, **4:17, 4:117, 4:123**

Hearsay, 4:118, 4:128

Improper foundation, **4:117**

Motion to exclude medical bills, 4:162

Observations of physician, patient medical history, **4:129**

Opinions, 4:118, 4:119

Opposition citations, 4:126, 4:127

Patient medical history, **4:120 to 4:122, 4:129 to 4:131**

Personal knowledge, lack of, 4:119

Prior consistent statement, patient medical history, **4:121**

Reasonableness of medical charges, **4:132**

Refreshing recollection, **4:134**Sample motion to exclude plaintiff's medical history,

4:149
Suggested motion text, 4:114

Summary, 4:115
Supporting authorities, generally,
4:116 to 4:124

Treatment of patient, patient medical history, **4:131**

MENTAL COMPETENCE

Incompetent witness, testimony of, **8:54**, **8:59**

MENTAL EXAMINATIONS OF PERSONS

Evidentiary sanctions, motion for, **6:10**

MENTAL HEALTH

Character evidence, 7:56

MODELS

Generally, 4:106 to 4:113

For detailed treatment see index heading maps, models, charts, exhibits and demonstrative evidence

MOTION IN LIMINE LAW

Generally, 1:2 to 1:17

Appellate jurisdiction, 1:10

Authority for motion, **1:2**

Brief, samples of, 1:16

Description of motion, 1:1

Drafting suggestions, generally, 1:12 to 1:15

File motions supported by fact, 1:13

Limitations on use of motion, **1:4** Local rules, caution regarding, **1:9**

Objections, 1:5

Order, samples of, 1:17

Preservation of objections, 1:5

Purpose of motion, 1:1

Samples, 1:16, 1:17

Scope of motion, 1:7

Special procedural requirements, 1:8 to 1:11

Standard of review, 1:11

Succinctness, 1:14

Timing of motion, 1:6

Use of motion, 1:3 to 1:5

MOTION PICTURES

See index heading film or motion PICTURES

MOTOR VEHICLES

See index heading automobiles AND MOTOR VEHICLES

MULTIPLE HEARSAY

Hearsay evidence, 8:111

MULTIPLE VARIABLES

Improper expert testimony, 8:16

NEGLIGENCE

Conduct, character evidence used to prove, **7:28**

NEW SCIENTIFIC EVIDENCE

Tests and scientific evidence, **5:27 et seq.**

NEWSPAPER ARTICLES

Sample motion to exclude, 4:152

NONASSERTIVE CONDUCT

Hearsay evidence, 8:110

NON-CALLED WITNESSES

Form of motion to exclude reference to, **8:114**Motion to exclude evidence of, **8:83 to 8:90**

NON-QUALIFIED EXPERT, MOTION TO EXCLUDE TESTIMONY OF

Generally, 8:31 to 8:37

Examples of improper qualifications, 8:34

Opposing authorities, 8:36, 8:37

Other grounds, 8:35

Suggested motion text, 8:31

Summary, 8:32

Supporting authorities, 8:32 to 8:35

NOTICE

Personal knowledge. See index heading Personal knowledge

NUMBER OF WITNESSES

Prejudicial evidence, 2:38

OBJECTIONS

Motion in limine law, 1:5

OPINIONS

Expert witnesses.See index heading EXPERT WITNESSES Medical records, reports or bills, 4:118, 4:119

OTHER CRIMES

See index heading prior crime evidence

OUTSIDE PLEADINGS

Irrelevant evidence, 3:5

PATIENT MEDICAL HISTORY

Medical records, reports or bills, 4:120

PERCEPTIONS

Impeachment, character evidence used for, 7:19

Lay witness testimony, 8:47

PERSONAL KNOWLEDGE

Incompetent witness, testimony of, **8:55**

Medical records, reports or bills, **4:119**

Motion to exclude testimony of witness without subject matter knowledge, **8:116.70**

PERTINENT TRAIT

Conduct, character evidence used to prove, **7:34**

PHOTOGRAPHS AND PHOTOGRAPHIC EVIDENCE

Foundation, evidence lacking, **4:10**

Gruesome photographs generally, **4:52 to 4:58** for detailed treatment see index heading GRUESOME AND INFLAMMATORY PHOTOGRAPHS

Prejudicial evidence, 2:35, 2:41

PHYSICAL AND MENTAL EXAMINATIONS

Evidentiary sanctions, motion for, **6:10**

PHYSICAL CONDITIONS

Irrelevant evidence, 3:23

PHYSICAL EVIDENCE

Generally, **4:1 to 4:154**

For detailed treatment see index heading writings and PHYSICAL EVIDENCE

POLYGRAPH EVIDENCE

Tests and scientific evidence, **5:30**, **5:31**, **5:50** to **5:53**

POVERTY

Motion to exclude evidence of defendant's poverty, **2:46.30**

PREJUDICIAL EVIDENCE

Generally, 2:1 et seq.

PREJUDICIAL EVIDENCE PREJUDICIAL EVIDENCE —Cont'd -Cont'd Confusing or misleading evidence, Emotional bias, motion to exclude exclusion of evidence used to create generally, 2:15 to 2:18 —Cont'd opposing authorities, 2:18 supporting authorities, 2:21 to 2:25 Opposition to motion to Exclusion of prejudicial evidence. exclude, 2:55 motions for sample motion to exclude, 2:53 generally, 2:1 to 2:7 summary, 2:16 confusing evidence. See supporting authorities, 2:17 Confusing or misleading Cumulative evidence, motion to evidence, exclusion of exclude or limit under this heading generally, 2:29 to 2:42 cumulative evidence. See articles, supporting authorities, Cumulative evidence. 2:33 motion to exclude or limit credentials, supporting authoriunder this heading ties, 2:34 EEOC and similar state agency letters, supporting authorities, records, 2:4, 2:7 2:33 emotional bias. See Emotional notes, supporting authorities, bias, exclusion of evidence 2:33 used to promote under this heading number of witnesses, 2:38 misleading evidence. See opposing authorities, generally, Confusing or Misleading 2:40 to 2:42 evidence, exclusion of photographs, 2:35, 2:41 under this heading reports, records, and documents, opposing authorities, 2:6, 2:14 2:36 summaries, 2:2, 2:9 sample motion, 2:43 supporting authorities, 2:3, 2:4, summary, 2:28 2:10 summary sheets, 2:42 time, exclusion for wasting of, supporting authorities, gener-2:8 to 2:14 ally, 2:30 to 2:39 waste of court's time, exclusion testimony of witness, supporton ground of, 2:8 to 2:14 ing authorities, 2:37 Expert witness testimony, 2:48 videotape evidence, 2:39, 2:41 Film or videotapes Emotional bias, motion to exclude generally, 4:59 to 4:66 evidence used to create for detailed treatment see index generally, 2:20 to 2:27 heading PREJUDICIAL FILM OR golden rule argument, opposing VIDEOTAPES authorities, 2:27 Financial status of plaintiff, 2:45 inflaming juror's emotions, 2:22 Impeachment. See index heading IMPEACHMENT opposing authorities, 2:25 to 2:27 Improper voir dire that will prejudice jury self-interest of jurors as taxpaysample motion to exclude, 2:54 ers, 2:23 self-interest of jurors, opposing Inflaming juror's emotions, 2:22 authorities, 2:26 Irrelevant evidence, 3:6 Non-called witness, 8:85 summary, **2:20**

PREJUDICIAL EVIDENCE PREJUDICIAL EVIDENCE -Cont'd —Cont'd Number of witnesses, 2:38 Supporting authorities—Cont'd cumulative evidence, motion to Opposing authorities exclude or limit, 2:30 to confusing or misleading evi-2:39 dence, exclusion of, 2:18 emotional bias, motion to cumulative evidence, motion to exclude evidence used to exclude or limit, 2:40 to create, 2:21 to 2:25 2:42 exclusion of prejudicial eviemotional bias, evidence used dence, motions for, 2:3, to create, 2:25 2:4, 2:10 to 2:13, 2:46 exclusion of prejudicial evi-Testimony of witness, supporting dence, motions for, 2:6, authorities, 2:37 2:6.50, 2:14, 2:47 Time, exclusion for wasting of, Photographs, 2:35, 2:41 2:8 to 2:14 Sample motions Videotapes bar premature rebuttal of affirgenerally, 4:59 to 4:66 mative defense, 2:55 for detailed treatment see index cumulative evidence, 2:43 heading PREJUDICIAL FILM OR exclude evidence that will VIDEOTAPES confuse jury, 2:53 exclude party's prior injuries, Waste of court's time, exclusion on ground of, 2:8 to 2:14 2:56 expert witness testimony, 2:48 PREJUDICIAL FILM OR financial status of plaintiff, 2:45 VIDEOTAPES golden rule argument, 2:46.50 Generally, 2:39, 2:41, 4:59 to improper voir dire that will 4:66 prejudice jury, 2:54 Cautionary admonition, 4:66 poverty of defendant, 2:46.30 Opposing authorities, generally, prejudicial evidence, 2:46, 2:47 4:64 to 4:66 prior accident, 2:46.70 Relevance. 4:65 subsequent remedial measures, Suggested motion text, 4:59 2:44 Summary, **4:60** Self-interest of jurors as taxpayers, Supporting authorities, generally, 2:23 4:59 to 4:63 Subsequent remedial measures, Videotape evidence, exclusion of, 2:5, 2:6.50 generally, 4:62 Suggested motion text, 2:1 Summaries PRELIMINARY QUESTIONS confusing or misleading evi-Foundation, evidence lacking, 4:4 dence, exclusion of, 2:16 to 4:9 cumulative evidence, motion to exclude or limit, 2:28 PRESERVATION OF emotional bias, evidence used **OBJECTIONS** to create, **2:20** Motion in limine law, 1:5 exclusion of prejudicial evidence, motions for, 2:2, PRIOR ACCIDENT 2:9 Prejudicial evidence, 2:46.70 Supporting authorities PRIOR CRIME EVIDENCE confusing or misleading evidence, exclusion of, 2:17 Generally, 7:36 to 7:45

PRIOR CRIME EVIDENCE —Cont'd

Arrest, motion to exclude evidence of prior, **7:54**

Conduct, character evidence used to prove, **7:29**

Disposition to commit crime, generally, **7:40**

Impeachment purposes, 7:44

Stale convictions, 7:39

Suggested motion text, 7:36

Summary, 7:37

Supporting authorities, generally, 7:38 to 7:43

PRIVILEGE

Emailed letters, supporting authority, **4:97.50**

PRIVILEGE NOT TO TESTIFY

Comment on exercise of, 8:77 to 8:82, 8:129

PSYCHOLOGICAL TESTS AND SYNDROMES

Tests and scientific evidence, **5:32 to 5:36**, **5:54**, **5:55**

PUBLIC RECORDS

Accident reports, 4:87 Letters, 4:102

PUBLISHED ARTICLES

Generally, 4:67 to 4:76

Cumulative, exclusion of published articles, **4:71**

Hearsay, 4:72

Impeachment, opposing authorities, **4:76**

Nonhearsay, opposing authorities, **4:75**

Opposition authorities, 4:77

Prejudicial articles, **4:70**

Suggested motion text, 4:67

Summary, **4:68**

Supporting authorities, **4:69 to 4:73**

PUBLISHED PRECEDENT

Tests and scientific evidence, 5:22

RAPE TRAUMA SYNDROME

Tests and scientific evidence, **5:33**, **5:54**, **5:55**

REASONABLE RELIANCE

Improper expert testimony, 8:12

RELEVANCY

Admitted matters, 3:16

Alcohol use by plaintiff, sample motion for exclusion of evidence of, **3:22**

Collateral issues, 3:17, 3:19

Conduct, character evidence used to prove, **7:26**, **7:32**

Context evidence, opposing authorities, **3:11**

Damage evidence, speculative evidence of lost profits, **3:25**

Damages in bifurcated trial, 3:27

Estoppel, 3:20

Gruesome or inflammatory photographs, **4:55**

Impeachment, character evidence used for, 7:7

Improper expert testimony, **8:19** Irrelevant evidence, generally, **3:1**

to 3:28

Letters, 4:103

Maps, models, charts, exhibits and demonstrative evidence, 4:113

Matters not in controversy

generally, 3:13 to 3:21

admitted matters, 3:16

collateral issues, 3:17, 3:19

estoppel, 3:20

opposing authorities, 3:18 to 3:21

relevancy to other issues, 3:21

summary, **3:14**

supporting authorities, generally, **3:15 to 3:17**

uncontroverted matters, 3:16

unpleaded issues, 3:17, 3:20

Motion summary

generally, 3:2

matters not in controversy, 3:14

No unlimited inquiry, 3:4

Opposing authorities

generally, 3:8

RELEVANCY—Cont'd

Opposing authorities—Cont'd matters not in controversy, **3:18** to **3:21**

Outside pleadings, 3:5

Physical conditions not in issue, form of motion to exclude evidence of, **3:23**

Prejudicial evidence, **3:6**, **4:65**Purpose, otherwise improper evidence admitted for proper, **3:10**

Relevancy to other issues, **3:21** Speculation permitted, opposing authorities, **3:9**

Speculative evidence, **3:7** Statute violation, evidence of, **3:24**

Suggested motion text, **3:1**Supporting authorities
irrelevant evidence, **3:3 to 3:7**matters not in controversy, **3:15**to **3:17**

Uncontroverted matters, **3:16**Unpleaded issues, **3:17**, **3:20**, **3:28**

RELIGIOUS BELIEF

Impeachment, character evidence used for, 7:15

Sample motion to exclude evidence, **7:51**

REMEDIAL MEASURES

Prejudicial evidence, 2:5

REPAIRS OR IMPROVEMENTS

Subsequent repairs

for detailed treatment see index heading subsequent repairs

SAMPLE MOTIONS

Biomechanic evidence, motion to exclude, 5:73
Brief, sample of, 1:16
Character evidence, 7:46 et seq.
Demonstration, 4:147
Discovery motions, 6:40 et seq.
Emailed letter, 4:148
Gruesome photographs, 4:145
Inflammatory photographs, 4:145
Medical history of plaintiff, 4:149

SAMPLE MOTIONS—Cont'd

Opposition to defendant's motion to limit plaintiff's expert's opinions, **6:46**

Order, sample of, 1:17

Prejudicial evidence, 2:43 et seq.

Surveillance video, **4:146**

Tests and scientific evidence

computerized valuations of plantiff's business, exclusion of evidence of, **5:67**

firearm residue, admission of evidence of laboratory testing of, **5:66**

hypnotic interview, exclusion of evidence of, **5:69**

polygraph examination, exclusion of evidence of, **5:68**

sample motion to exclude evidence of statistical analysis, **5:65**

statistial analysis, exclusion of evidence of, **5:65**

Witness evidence, 8:119 et seq.

SANCTIONS

Generally, **6:1 to 6:17**

For detailed treatment see index heading evidentiary sanctions, motions for

SANITY

Lay witness testimony, 8:48

SCIENTIFIC EVIDENCE

Generally, 5:1 to 5:69

For detailed treatment see index heading TESTS AND EXPERIMENTS

SECONDARY EVIDENCE

Writings and physical evidence, **4:36, 4:47**

SELF-INTEREST OF JURORS AS TAXPAYERS

Prejudicial evidence, 2:23

SETTLEMENT EVIDENCE

Motion to exclude, **4:38**, **4:97**Writings and physical evidence, **4:150**

SEXUAL PREFERENCE OR BEHAVIOR

Impeachment, character evidence used for, **7:16**

SILENCE

Civil consequences of, **8:81** Hearsay, silence as, **8:99**

SOCIAL MEDIA EVIDENCE

Generally, **4:135 to 4:144**Hearsay or nonhearsay, **4:139**, **4:143**

Opposing authorities, **4:142 to 4:144**

Proper foundation or authentication, **4:140**, **4:144**

Sample motion to exclude, **4:153**

Sample opposition to motion to exclude, **4:154**

Summary, **4:136**

Supporting authorities, **4:137 to 4:141**

Text of motion, 4:135

SPECIAL PROCEDURAL REQUIREMENTS

Motion in limine law, 1:8, 1:9

SPECULATION AND CONJECTURE

Form of motion to exclude, 8:113
Improper expert testimony, 8:15
Irrelevant evidence, 3:7
Lost profits evidence, 3:25
Motion to exclude speculative evidence, 3:29
Tests and scientific evidence, 5:9

SPEED

Accident reconstruction. See index heading accident reconstruction and biomechanic evidence

STALE CONVICTIONS

Prior crime evidence, 7:39

STATISTICAL EVIDENCE

Tests and scientific evidence, 5:42, 5:59 to 5:63

SUBSEQUENT REMEDIAL MEASURES

Prejudicial evidence, 2:5, 2:6.50

SUBSTANTIALLY IDENTICAL CONDITIONS

Tests and scientific evidence, 5:6

SUCCINCTNESS

Motion in limine law, 1:14

SURVEILLANCE VIDEO

Sample motion to exclude, 4:146

TAPE RECORDINGS

Foundation, evidence lacking, **4:11**

Videotapes. See index heading

TELECOMMUNICATIONS RELAY SERVICE

Motion to exclude writings, **4:41**

TERMINATING SANCTIONS

Evidentiary sanctions, motion for, **6:8, 6:15**

TESTS AND EXPERIMENTS

Generally, 5:1 to 5:69

Accident reconstruction evidence, 5:39, 5:64

Biomechanic evidence, **5:40**, **5:41**, **5:73**

Child molest syndromes (CSAAS), **5:34**

Collateral issues. **5:11**

Computerized valuations of plantiff's business, sample motion to exclude evidence of, **5:67**

Confusing statistical evidence, exclusion of, **5:42**

Conjectural matters, expert testifying on, **5:9**

Daubert requirements, outside the realm of, **5:24**

Disapproved statistical evidence, **5:42**

Discretion of court, opposing authorities, generally, **5:16**

Electronic penile plethysmograph test, **5:35**

Employment discrimination cases, statistical evidence, **5:44**

Experiments and related testimony, motions to

TESTS AND EXPERIMENTS TESTS AND EXPERIMENTS -Cont'd -Cont'd exclude, generally, 5:1 to Polygraph evidence, 5:30, 5:31, 5:24 5:50 to 5:53, 5:68 Expert testimony, motions to Product liability, statistical eviexclude, 5:3 to 5:15, 5:70 to dence, 5:43 5:73 Psychological profiling, 5:62 Firearm residue, sample motion to Psychological tests and admit evidence of laboratory syndromes, 5:32 to 5:36, testing of, 5:66 5:54, 5:55 Foundation, necessity for, 4:12 Published precedent, 5:22 General acceptance, 5:22, 5:59 Rape trauma syndrome, 5:33, Handwriting analysis, 5:48 5:54, 5:55 Hedonic damage evidence, 5:28, Refusal to take lie detector test, 5:49 5:31 Helpfulness to jury, **5:12** Relevance, 5:14 Hypnosis evidence, 5:37, 5:56 Specialized knowledge as basis, Hypnotic interview, sample 5:13 motion to exclude evidence Specific procedures, propriety of, of, 5:69 Identical conditions requirement, Speculative matters, expert testify-5:21 ing on, **5:9** Judicial notice, 5:63 Statistical evidence, 5:42 to 5:44, Junk science, **5:64.50** 5:59 to 5:63, 5:65 Junk science and related evidence, Suggested motion text motions to exclude, generjunk science and related evially, 5:25 to 5:64 Lack of qualifications of expert, motions to exclude on ground tests, experiments and related of, generally, **5:3 to 5:15** Lay witness testimony, 8:43 Level of acceptance in scientific Summary community, 5:22 junk science and related evi-Lie detector evidence, 5:30, 5:31, 5:50 to 5:53 Low-speed impact cases, biomechanic evidence, 5:41 tests, experiments and related New scientific evidence, exclusion of, generally, 5:27 et seq. Nonacceptance of expert gener-Supporting authorities ally, motions to exclude on junk science and related eviground of, 5:4 Opposing authorities junk science and related evitests, experiments and related dence, motions to exclude, generally, 5:45 to 5:64 tests, experiments and related testimony, motions to Tests, experiments and related

exclude, generally, 5:16 to

5:24

Penile plethysmograph, 5:58

dence, motions to exclude,

dence, motions to exclude,

dence, motions to exclude,

generally, 5:27 to 5:44

testimony, motions to

testimony, motions to

exclude, generally, 5:1 to

exclude, generally, 5:3 to

testimony, motions to

testimony, motions to

exclude, 5:1

exclude, 5:2

5:25

5:26

5:15

5:24

TESTS AND EXPERIMENTS —Cont'd

Too many variables in expert testimony, **5:10**

Unreliability of expert, **5:7**

Variables in expert testimony, 5:10

Voiceprint identification, **5:37**, **5:57**

Waste of time, 5:11

Weight vs admissibility, **5:23**, **5:61**

TEXT MESSAGES

Motion to exclude, **4:160**Opposition to motion to exclude, **4:161**

TIME OR DATE

Discovery deadline, motion to exclude evidence produced beyond, **6:43**

Motion in limine law, **1:6** Prejudicial evidence, **2:8 to 2:14**

TREATISES AS HEARSAY

Improper expert testimony, 8:8, 8:26

ULTIMATE ISSUES

Improper expert testimony, **8:10**, **8:29**

UNAUTHENTICATED

Video recordings, **4:157** Writings, **4:32**, **4:33**

UNCONTESTED ISSUE

Judge, arbitrator, mediator, attorney or juror, testimony of, 8:66

UNCONTROVERTED MATTERS

Irrelevant evidence, 3:16

UNCOOPERATIVE WITNESS

Improper expert testimony, **8:17**, **8:30**

UNDISCLOSED WITNESS

Expert witness disclosure and depositions, motions regarding, **6:34**

UNPERCEIVED OR UNKNOWN MATTERS

Improper expert testimony, 8:13

UNPLEADED ISSUES

Relevancy, 3:28

UNPLEADED MATTERS

Irrelevant evidence, 3:17, 3:20

UNRELIABLE EVIDENCE

Tests and scientific evidence, 5:7

USE OF MOTION

Motion in limine law. 1:3 to 1:5

USURPING

Jury functions, usurping of, 8:18

VARIABLES IN EXPERT TESTIMONY

Tests and scientific evidence, 5:10

VERACITY OF WITNESS

Impeachment, character evidence used for, 7:21

VIDEOTAPES

Foundation, evidence lacking, **4:13**

Prejudicial film or videotapes generally, **4:59 to 4:66**

for detailed treatment see index heading PREJUDICIAL FILM OR VIDEOTAPES

Unauthenticated video recordings, **4:157**

VOIR DIRE

Motion prevent improper voir dire that will prejudice jury, **2:54**

WAIVER AND ESTOPPEL

Irrelevant evidence, **3:20**Privilege not to testify, waiver of, **8:82**

WASTE OF COURT'S TIME

Prejudicial evidence, 2:8 to 2:14

WEIGHT VS ADMISSIBILITY

Tests and scientific evidence, **5:23**, **5:61**

WITNESS EVIDENCE

Generally, 8:1 to 8:109

| WITNESS EVIDENCE—Cont'd | WITNESS EVIDENCE—Cont'd |
|--|--|
| Arbitrator as witness | Legal opinions of lay witnesses, |
| generally, 8:60 to 8:69 | 8:42 |
| for detailed treatment see index | Mediation evidence, 8:116 |
| heading Arbitrator, Motion | Mediator as witness |
| TO EXCLUDE TESTIMONY OF | generally, 8:60 to 8:69 |
| Attorney as witness | for detailed treatment see index |
| generally, 8:60 to 8:69 | heading mediator, motion |
| for detailed treatment see index | TO EXCLUDE TESTIMONY OF |
| heading attorney, motion | Mediator, motion to exclude testimony of, 8:127 |
| TO EXCLUDE TESTIMONY OF | Motion summary, 8:39 |
| Causation, 8:41 | Non-called witness, 8:83 to 8:90 |
| Courtroom, exclusion of witness | Opposing authorities, 8:47 to 8:50 |
| prior to testifying | Other grounds, 8:46 |
| generally, 8:70 to 8:76 | Perceptions of witness, 8:47 |
| for detailed treatment see index | Prejudicial evidence of non-called |
| heading courtroom, motion for exclusion of witness | witness, 8:85 to 8:89 |
| PRIOR TO TESTIFYING | Privileged testimony, motion to |
| Exercise of privilege not to testify, | exclude, 8:59.10 to 8:59.70 |
| comment on, 8:77 to 8:82 | Privilege not to testify, comment |
| Experiments, 8:43 | on exercise of, 8:77 to 8:82 |
| Experts. See index heading EXPERT | Sanity, 8:48 |
| WITNESSES | Silence, civil consequences of, |
| Foundation, evidence lacking, | 8:81 |
| 4:15 | Suggested motion text, 8:38 |
| Hearsay evidence | Supporting authorities, 8:40 to |
| generally, 8:94 to 8:112 | 8:46 |
| for detailed treatment see index | Waiver of privilege not to testify, 8:82 |
| heading HEARSAY EVIDENCE | 0.02 |
| Helpful to clear understanding, | WRITINGS AND PHYSICAL |
| 8:49 | EVIDENCE |
| Incompetent witness | Generally, 4:1 to 4:154 |
| generally, 8:51 to 8:59 | Accident reports |
| for detailed treatment see index | generally, 4:77 to 4:88 |
| heading incompetent wit- | for detailed treatment see index |
| NESS | heading ACCIDENT REPORTS |
| Judge as witness | Definitions, 4:31 |
| generally, 8:60 to 8:69 | Examples |
| for detailed treatment see index | inadmissible written hearsay, 4:35 |
| heading JUDGE, MOTION TO | Film or videotapes |
| EXCLUDE TESTIMONY OF | generally, 4:59 to 4:66 |
| Juror as witness | for detailed treatment see index |
| generally, 8:60 to 8:69 | heading PREJUDICIAL FILM OR |
| for detailed treatment see index | VIDEOTAPES |
| heading juror, motion to | Foundation, evidence lacking |
| EXCLUDE TESTIMONY OF | generally, 4:1 to 4:28 |
| Lay witness testimony, generally, | for detailed treatment see index |
| 8:38 to 8:50, 8:116.30 | heading foundation, evi- |

WRITINGS AND PHYSICAL EVIDENCE—Cont'd

Foundation, evidence lacking —Cont'd

DENCE LACKING

Gruesome or inflammatory photographs

generally, 4:52 to 4:58

for detailed treatment see index heading gruesome of INFLAMMATORY PHOTOGRAPHS

Hearsay, 4:34, 4:35, 4:40

Inadequate foundation, 4:31

Letters

generally, 4:89 to 4:104

for detailed treatment see index heading LETTERS

Liability insurance, 4:151

Maps, models, charts, exhibits and demonstrative evidence

generally, 4:106 to 4:113

for detailed treatment see index heading Maps, Models, Charts, Exhibits and Demon-STRATIVE EVIDENCE

Medical records, reports or bills generally, **4:114 to 4:134**

for detailed treatment see index heading MEDICAL RECORDS, REPORTS OR BILLS

Newspaper articles, **4:152** Opposing authorities, **4:40 to 4:50**

Photographs

for detailed treatment see index

WRITINGS AND PHYSICAL EVIDENCE—Cont'd

Photographs—Cont'd

heading gruesome or inflammatory photographs

Prejudicial film or videotapes

generally, **4:59 to 4:66**

for detailed treatment see index heading PREJUDICIAL FILM OR VIDEOTAPES

Published articles

generally, **4:67 to 4:76**

for detailed treatment see index heading Published Articles

Secondary evidence, 4:36, 4:47

Settlement evidence, 4:150

Suggested motion text, 4:29

Summary, **4:30**

Supporting authorities, generally, 4:31 to 4:39

Telecommunications Relay Service, **4:41**

Text messages, motion to exclude and opposition to motion, 4:160, 6:161

Unauthenticated writings, **4:32**, **4:33**

Videotapes

generally, 4:59 to 4:66

for detailed treatment see index heading PREJUDICIAL FILM OR VIDEOTAPES

WRITTEN HEARSAY

Hearsay evidence, 8:101, 8:102